



ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts
IN THE YEAR
1958

PUBLISHED BY
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Secretary of the Commonwealth



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ACTS AND RESOLVES

OF

MASSACHUSETTS

1958

✎ The General Court, which was chosen November 6, 1956, assembled on Wednesday, the first day of January, 1958, for its second annual session.

His Excellency FOSTER FURCOLO and His Honor ROBERT F. MURPHY continued to serve as Governor and Lieutenant Governor, respectively, for the political year of 1958.

ACTS.

CHAP. 1. AN ACT VALIDATING CERTAIN CERTIFICATES OF REGISTRATION AND OTHER DOCUMENTS ISSUED OR TO BE ISSUED BY THE DIVISION OF THE REGISTRY OF MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to validate certain certificates of registration of motor vehicles and other documents issued or to be issued by the division of the registry of motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Any certificate of registration of a motor vehicle or trailer, or any other document issued by the division of the registry of motor vehicles of the department of public works during the year nineteen hundred and fifty-seven bearing the signature or the facsimile of the signature of Rudolph F. King, registrar, whether or not said certificate of registration or document was to have become effective in the year nineteen hundred and fifty-seven or nineteen hundred and fifty-eight, shall become valid on the effective date thereof, to the same extent as though the said Rudolph F. King had continued in the office of registrar of motor vehicles until and including January first, nineteen hundred and fifty-eight, notwithstanding that his said term as registrar of motor vehicles had been terminated prior thereto.

SECTION 2. This act shall take effect as of November thirtieth, nineteen hundred and fifty-seven. *Approved January 1, 1958.*

CHAP. 2. AN ACT CLARIFYING THE LAW RELATIVE TO THE OBLIGATION OF CERTAIN CONSOLIDATED BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

Subsection 2 of paragraph (b) of section 46D of chapter 156 of the General Laws is hereby amended by striking out, in line 7, as amended by chapter 57 of the acts of 1954, the word and letter "forty-six A", and inserting in place thereof the word and letter: — forty-six E.

Approved January 17, 1958.

CHAP. 3. AN ACT INCREASING THE AMOUNT OF PROPERTY WHICH MAY BE HELD BY THE FORSYTH DENTAL INFIRMARY FOR CHILDREN.

Be it enacted, etc., as follows:

Section 2 of chapter 294 of the acts of 1910, as most recently amended by section 1 of chapter 247 of the acts of 1945, is hereby further amended by striking out, in line 15, the word "six" and inserting in place thereof the word: — twelve, — so as to read as follows: — *Section 2.* Said corporation may receive and hold for the purposes of said corporation real

and personal estate which may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation. Said corporation may convey and turn over any property received by it to any trust company incorporated under the laws of the commonwealth upon such trusts for its benefit as the corporation may declare and determine, and any such trust company may receive and hold in trust any such property and also any other property, real or personal, which may be conveyed to it by will, trust deed, or otherwise, by any person or other corporation for the benefit of said corporation. The aggregate value of real and personal property so held by said corporation and so held in trust for its benefit shall not exceed twelve million dollars.

Approved January 17, 1958.

CHAP. 4. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO BORROW MONEY FOR REMODELING, RECONSTRUCTING, MAKING EXTRAORDINARY REPAIRS, RE-EQUIPPING AND REFURNISHING ITS JUNIOR HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling, reconstructing and making extraordinary repairs to the junior high school building and re-equipping and refurbishing the same, the town of Lexington may borrow, within a period of two years from the passage of this act, such sum as may be necessary, not exceeding six hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lexington School Remodeling Loan, Act of 1958, and such loan shall be paid in not more than ten years from its date. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved January 27, 1958.

CHAP. 5. AN ACT INCREASING THE AMOUNT THE TOWN OF FALMOUTH MAY APPROPRIATE FOR PUBLIC AMUSEMENTS OR ENTERTAINMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 157 of the acts of 1929 and chapter 34 of the acts of 1938 are hereby repealed.

SECTION 2. The town of Falmouth may, by a majority vote, appropriate each year a sum not exceeding five thousand dollars for providing amusements or entertainments of a public character. The money so appropriated by the town shall be expended under the direction of the board of selectmen.

SECTION 3. Any action taken by the town of Falmouth at its annual town meeting in the current year pursuant to authority contained in section two shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

SECTION 4. This act shall take effect upon its passage.

Approved January 27, 1958.

CHAP. 6. AN ACT CONFIRMING THE VALIDITY OF THE SIGNATURE ON CERTAIN CERTIFICATES OF REGISTRATION AND CERTAIN LICENSES TO OPERATE MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 16 of the General Laws is hereby amended by striking out the last sentence, as appearing in chapter 586 of the acts of 1947.

SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after section 33 the following section: — *Section 33A.* In case the registrar, deputy registrar or the duly authorized agent of either whose signature or a facsimile of whose signature appears on a certificate of registration, a license to operate motor vehicles, any other certificate, or license, or any notice, issued under the provisions of this chapter, shall cease to be such registrar, deputy registrar or agent prior to the effective date thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if he had remained in office until and including such effective date.

SECTION 3. To the fullest possible extent section thirty-three A of chapter ninety of the General Laws, inserted by section two of this act, shall be construed to be declaratory of existing law.

Approved January 27, 1958.

CHAP. 7. AN ACT RELATIVE TO THE EFFECTIVE DATE OF CERTAIN RULES AND REGULATIONS ADOPTED BY THE BOSTON TRAFFIC COMMISSION.

Be it enacted, etc., as follows:

Section 2C of chapter 263 of the acts of 1929, inserted by section 5 of chapter 253 of the acts of 1957, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

No rule or regulation adopted by the Boston traffic commission shall take effect until published in the City Record.

Approved January 27, 1958.

CHAP. 8. AN ACT AUTHORIZING THE PUBLIC IMPROVEMENT COMMISSION OF THE CITY OF BOSTON TO ABANDON EASEMENTS HELD BY SAID CITY FOR THE PURPOSES OF ITS WATER SYSTEM.

Be it enacted, etc., as follows:

The public improvement commission of the city of Boston by proceeding in the manner provided for the discontinuance of a public way in said city may, with the approval of the mayor, abandon any easement or right held by said city for the purposes of its water system if in the opinion of said commission such easement or right is no longer required for such purposes.

Approved January 27, 1958.

CHAP. 9. AN ACT PROVIDING THAT THE RECEIPTS FROM THE COMMUNITY CENTER MAINTAINED BY THE TOWN OF READING MAY BE EXPENDED BY THE SELECTMEN FOR THE MAINTENANCE AND OPERATION OF SAID CENTER WITHOUT APPROPRIATION.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Reading shall deposit with the town treasurer all monies received from the maintenance and operation of the community center, from rentals, sales of supplies or other articles, as well as from gifts and donations, which deposits shall be kept on the books of the town in a separate account to be known as the community center fund. The selectmen may, without appropriation, expend from said fund, such sums as they deem necessary for the maintenance and operation of said community center, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws.

The provisions of this act shall not affect the power of said town to appropriate money for the purposes of said center, to be in addition to funds provided from other sources.

SECTION 2. This act shall take effect upon its acceptance by majority vote of the town of Reading at an annual or special town meeting, but not otherwise.

Approved January 27, 1958.

CHAP. 10. AN ACT PROVIDING FOR A FORTY-EIGHT HOUR WEEK FOR PERMANENT MEMBERS OF THE FIRE DEPARTMENT IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. The hours of duty of the permanent members of the uniformed fire fighting force in the town of Winthrop shall be so established by the chief of the fire department that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed forty-eight in number. Sections fifty-six, fifty-seven, fifty-eight A, fifty-eight B, and fifty-nine of chapter forty-eight of the General Laws shall not apply to the permanent members of the uniformed fire fighting force in said town.

SECTION 2. This act shall be submitted for acceptance by said town at its annual town meeting in the current year in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the current year, entitled 'An Act providing for a forty-eight hour week for permanent members of the fire department in the town of Winthrop' be accepted?" If a majority of votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved January 27, 1958.

CHAP. 11. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE TOWN OF NORTH ANDOVER WITH REFERENCE TO THE FLUORIDATION OF THE TOWN WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of ascertaining the will of the voters of the town of North Andover with reference to the question of the fluoridation of the town water supply, there shall be placed upon the official ballot to be used at the town election in the current year the following question: — "Shall the water supply of the town of North Andover be fluoridated?" If a majority of the votes in answer to said question is in the affirmative, it shall be deemed and taken to be the will of the voters of said town that the water supply thereof be fluoridated, and if a majority of said votes is in the negative, it shall be deemed and taken to be the will of said voters that said water supply shall not be fluoridated.

SECTION 2. Any action taken under authority of this act at the annual town meeting of the town of North Andover held in the current year shall be as effective in all respects as though this act had been in full force and effect on the date when the warrant for such meeting was posted.

SECTION 3. This act shall take effect upon its passage.

Approved January 27, 1958.

CHAP. 12. AN ACT VALIDATING AND CONFIRMING THE ACTION TAKEN BY THE VOTERS OF THE TOWN OF MILFORD RELATIVE TO THE ESTABLISHMENT OF OFF-STREET PARKING FACILITIES IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The action of the voters of the town of Milford taken at the annual town meeting held in said town on March fourth, nineteen hundred and fifty-seven, on the following question which appeared on the official ballot used at said meeting as follows: — "Shall an act passed by the General Court in the current year, entitled 'An Act to authorize establishment of off-street parking facilities in the town of Milford', be accepted?" is hereby ratified and confirmed, notwithstanding the fact that warning that such vote was to be taken by ballot was not given in the warrant for such meeting.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1958.

CHAP. 13. AN ACT TO AUTHORIZE THE HADLEY WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of laying water mains of not less than eight inches but less than sixteen inches in diameter, the Hadley Water Supply District may borrow, from time to time within five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred and thirty-eight thousand dollars and may issue bonds or notes therefor which shall bear on their face the words, Hadley Water Supply District Loan, Act of 1958. Each author-

ized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates. Indebtedness incurred under this act shall be within the limits of the amount prescribed by the last paragraph of section eight of chapter forty-four of the General Laws and, except as otherwise provided herein, shall be subject to the provisions of said chapter.

SECTION 2. Any action taken pursuant to authority contained in this act by the Hadley Water Supply District at the special district meeting held on October twenty-fourth, nineteen hundred and fifty-seven, shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said special district meeting.

SECTION 3. This act shall take effect upon its passage.

Approved January 28, 1958.

CHAP. 14. AN ACT RELATIVE TO THE NUMBER OF TRUSTEES OF MILTON ACADEMY AND INCREASING THE AMOUNT OF PROPERTY THEY MAY HOLD.

Be it enacted, etc., as follows:

SECTION 1. The act approved March 3d, 1798, and entitled "An act for establishing an Academy in the Town of Milton, by the name of Milton Academy", is hereby amended by striking out section 5, as most recently amended by chapter 204 of the acts of 1947, and inserting in place thereof the following section: — *Section 5. Be it further enacted,* That the number of the said trustees shall be as from time to time provided in the by-laws of Milton Academy, but shall in no event be less than nine, five of whom shall constitute a quorum to do business.

SECTION 2. Section 1 of chapter 208 of the acts of 1900, as amended by chapter 179 of the acts of 1921, is hereby further amended by striking out, in line 5, the word "three" and inserting in place thereof the word:—fifteen, — so as to read as follows: — *Section 1.* The Trustees of Milton Academy may accept, receive and take, by gift, grant, devise or otherwise, and may hold any real and personal estate within or without the commonwealth to an amount not exceeding fifteen million dollars, and may sell and dispose at its discretion of any real or personal estate within or without the commonwealth which has been or may hereafter be given, granted or devised to it, or which is held by it and not expressly forbidden to be so sold or disposed of by the terms of the gift, grant, devise or receipt thereof.

Approved January 28, 1958.

CHAP. 15. AN ACT PROVIDING THAT, IN DETERMINING FREEDOM FROM TUBERCULOSIS OF PERSONS EMPLOYED IN SCHOOLS, A CHEST X-RAY MAY BE OMITTED IF AN INTRADERMAL TUBERCULIN TEST IS NEGATIVE.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 55B, as most recently amended by chapter 658 of the acts of 1954, and inserting in place thereof the following section: — *Section 55B.* No person known to be suffering from tuberculosis in a communicable form, or having evidence or symptoms thereof, shall be employed or continued in employment at any school in the commonwealth, including any college or university, in any capacity which might bring him into direct contact with any student at such school. Immediately prior to

his entering into any such employment, and at least every three years during the course of his employment thereafter, each school superintendent, principal, director, teacher, food handler, janitor, school bus driver, nurse, doctor or other person whose duties bring him into such direct contact, shall file with the superintendent or other person having charge of such school, on forms furnished by the department of public health and approved by the department of education, a report, made by a registered physician, relative to his freedom from tuberculosis in a communicable form, and such report shall be kept as a part of the records of such school authorities. Such report shall be accompanied by an X-ray of such person's chest taken not more than ninety days prior thereto or by the results of an intradermal tuberculin test taken not more than ninety days prior thereto, and by the results of such other laboratory tests and clinical examinations as may be essential to a diagnosis of tuberculosis in a communicable form. If the results of the intradermal tuberculin test were positive, then this report shall be accompanied by an X-ray of such person's chest taken not more than ninety days prior thereto. All X-ray films shall be submitted for review to the department of public health or to the county or municipal tuberculosis sanatorium of the district or municipality in which such school is located, and where the X-ray so submitted is for any reason not satisfactory, an X-ray of the employee's chest shall be made by said department or such sanatorium. When such X-ray shows a pulmonary lesion which cannot be properly evaluated on a single film, further X-ray examinations shall be made, at such intervals as it may require, and without charge, by said department or such sanatorium. Cases in which the question of communicability of tuberculosis arises may on appeal be referred to a board of three competent physicians, appointed by the commissioner of public health, and their decision shall be final. Such reports and X-rays or intradermal tuberculin tests shall be required at least every three years from all school employees other than substitute teachers or employees who do not work more than thirty calendar days in any school year; provided, that such re-examination shall not be required within three years of any previous examination for any school employee who may transfer within the commonwealth. Any teacher, other than a teacher in the public schools, or any other employee excluded or removed from employment on account of tuberculosis in a communicable form shall be carried on sick leave with pay for such period as he may be entitled to under the regulations of the school committee or other school officers; and any teacher in a public school, or other employee therein whose duties bring him into direct contact with any student thereat, shall, if excluded or removed from employment on account of tuberculosis in a communicable form be carried on sick leave with pay for the entire period of such exclusion or removal, but in no case for more than two years, and for such further additional period as he may be entitled to under the regulations of the school committee or other school officers. No teacher or employee so excluded or removed shall return to employment in a school until properly certified by the department of public health, or such county or municipal sanatorium, on the basis of X-ray and laboratory examinations, as free from tuberculosis in a communicable form. Facilities for free X-ray service shall be provided by state, county and municipal sanatoria for all persons who come within the scope of this section. *Approved January 28, 1958.*

CHAP. 16. AN ACT TO PROVIDE UNLIMITED TENURE FOR ARTHUR E. COLLINS, INCUMBENT OF THE OFFICE OF TOWN ACCOUNTANT OF THE TOWN OF SHARON.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of Arthur E. Collins, incumbent of the office of town accountant of the town of Sharon, shall, upon the effective date of this act, be unlimited, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance by said town at its next annual town meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the current year, entitled 'An Act to provide unlimited tenure for Arthur E. Collins, incumbent of the office of town accountant of the town of Sharon', be accepted?" If a majority of votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved January 28, 1958.

CHAP. 17. AN ACT PLACING THE OFFICE OF AGENT OF THE BOARD OF HEALTH OF THE TOWN OF SOUTH HADLEY UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of agent of the board of health of the town of South Hadley shall, upon the effective date of this act, become subject to the civil service laws and rules, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws. The incumbent of said office on said effective date shall be subjected by the division of civil service to a qualifying examination, and if he passes said examination he shall be certified for said office and shall be deemed to be permanently appointed thereto without being required to serve any probationary period.

SECTION 2. This act shall be submitted to the voters of said town at a town meeting in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act placing the office of agent of the board of health of the town of South Hadley under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved January 28, 1958.

CHAP. 18. AN ACT PROVIDING THAT THE QUESTION OF ACCEPTANCE OF CERTAIN PROVISIONS OF LAW RELATING TO THE ESTABLISHMENT OF THE POLICE DEPARTMENT IN THE TOWN OF FRANKLIN BE PLACED UPON THE OFFICIAL BALLOT AT THE TOWN MEETING IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

At the annual meeting for the election of officers in the town of Franklin to be held in the current year, there shall be submitted to the

voters thereof the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall the town of Franklin accept the provisions of section ninety-seven A of chapter forty-one of the General Laws, providing for the establishment of a police department under the supervision of an officer to be known as the chief of police?" If a majority of the votes in answer to said question is in the affirmative, then the provisions of said section ninety-seven A shall be deemed to be in effect in said town, but not otherwise.

Approved January 28, 1958.

CHAP. 19. AN ACT RELATIVE TO THE ESTABLISHMENT OF DISTRICT SOCIETIES OF THE MASSACHUSETTS MEDICAL SOCIETY.

Be it enacted, etc., as follows:

Chapter 123 of the acts of 1802 is hereby amended by striking out section 5 and inserting in place thereof the following section: — SECT. 5TH. *And be it further enacted*, that the Counsellors may establish, within such Districts and portions of this Commonwealth, as they shall think expedient, Subordinate Societies, and meetings, to consist of the Fellows of the said Corporation residing or practising within such Districts respectively, wherein the communication of cases and experiments may be made, and the diffusion of knowledge in Medicine and Surgery may be encouraged and promoted. The members of such Subordinate societies shall be holden to report to the Counsellors of the general Society all such cases as may be selected for their importance and utility; and the said subordinate Societies shall be subject to the regulations of the general Society in all matters wherein the general Society shall be concerned; and the said Subordinate Societies may appoint their own officers, and establish regulations for their particular government, not repugnant to the bye-laws of the general society; and shall be capable to purchase, and receive by donation, Books, Philosophical, and Chirurgical Instruments, or other personal property, and may hold and dispose of the same exclusively of any authority of the general Society.

Approved January 28, 1958.

CHAP. 20. AN ACT AUTHORIZING THE TOWN OF AMESBURY TO ACQUIRE AND ADMINISTER THE PROPERTY OF A CEMETERY LOCATED THEREIN, KNOWN AS THE OLD CORNER CEMETERY.

Be it enacted, etc., as follows:

SECTION 1. The town of Amesbury is hereby authorized to acquire by gift, purchase or otherwise, title to certain land in said town used as a private cemetery and known as the Old Corner Cemetery, and located easterly of the fire station on Elm street in said town, and thereafter to hold and maintain, for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property not subject to any trust, and thereupon, and upon the transfer of trust funds, if any, as hereafter provided, said cemetery shall be and become a public burial place, ground or cemetery.

SECTION 2. In so far as authorized by a decree of a court of competent jurisdiction, and in compliance with the terms and conditions of such decree, the town of Amesbury may receive from the proprietors of

the Old Corner Cemetery a conveyance and transfer of, and administer, all funds or other property held in trust for the perpetual care of the lots in the cemetery and for other purposes, and also any property bequeathed to and for the benefit of said Old Corner Cemetery under the will of any person living at the time of said transfer and conveyance or under the will of any deceased person not then probated.

Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of said cemetery, or of any lots therein, may after such transfer and conveyance be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purpose of said trusts.

SECTION 3. All property and property rights acquired by said town from the owners of said cemetery shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in said cemetery or any lots therein shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of the said cemetery shall be delivered to the clerk of said town and he may certify copies thereof.

SECTION 4. This act shall take effect upon its acceptance by a majority vote of the town meeting members voting thereon at the annual town meeting or at a special town meeting called for the purpose within one year of the date of its passage. For the purposes of acceptance only this act shall take effect upon its passage.

Approved January 30, 1958.

CHAP. 21. AN ACT AUTHORIZING THE TRANSFER OF THE PROPERTY AND FUNDS OF THE MOUNT PROSPECT CEMETERY ASSOCIATION IN AMESBURY TO THE TOWN OF AMESBURY.

Be it enacted, etc., as follows:

SECTION 1. The Mount Prospect Cemetery Association, also known as the Mount Prospect Cemetery Corporation, organized in eighteen hundred and fifty-two in that part of the town of Salisbury which is now Amesbury, hereinafter called the Association, may, by deed duly executed, convey and transfer to the town of Amesbury, and said town is hereby authorized and empowered to receive, and thereafter to hold and maintain, but for cemetery purposes only and subject to all rights heretofore existing in any burial lots, the real and personal property of the Association not subject to any trust, and thereupon, or upon the transfer of the trust funds as hereinafter provided, the Association shall be dissolved; and the cemetery of the Association shall be and become a public burial place, ground or cemetery.

SECTION 2. In so far as authorized by a decree of a court of competent jurisdiction, and in compliance with the terms and conditions of such decree, said town, upon its acceptance of an offer of conveyance and transfer, as provided in section one, may receive from the Association a conveyance and transfer of, and administer, the funds or other property held by the Association in trust for the perpetual care of the

lots in its cemetery and for other purposes, and also any property devised or bequeathed to the Association under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of the Association, or of any lots in its cemetery, may, after such conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trusts.

SECTION 3. All real and personal property and property rights, acquired by said town from the Association under authority of this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in the cemetery of the Association or any lots therein shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of the Association shall be delivered to the clerk of said town, and such clerk may certify copies thereof.

SECTION 4. This act shall take effect upon its acceptance by a majority vote of the town meeting members voting thereon at an annual town meeting or at a special town meeting called for the purpose within one year after the date of its passage. For the purposes of acceptance only this act shall take effect upon its passage.

Approved January 30, 1958.

CHAP. 22. AN ACT AUTHORIZING THE TOWN OF SALISBURY TO VOTE AT ITS CURRENT ANNUAL TOWN MEETING ON THE QUESTION OF GRANTING LICENSES FOR THE SALE IN SAID TOWN OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven of chapter one hundred and thirty-eight of the General Laws as to the time for voting upon the questions therein set forth, the town clerk of the town of Salisbury shall place upon the official ballot to be used for the election of town officers at its annual town meeting in the current year the following subdivided question:—

A. Shall licenses be granted in this town for the sale therein of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages)?

YES	
NO	

B. Shall licenses be granted in this town for the sale therein of wines and malt beverages (wines and beer, ale and all other malt beverages)?

YES	
NO	

C. Shall licenses be granted in this town for the sale therein of all alcoholic beverages in packages, so called, not to be drunk on the premises?

YES	
NO	

SECTION 2. If a majority of the votes cast in said town in answer to subdivision A is in the affirmative, said town shall, irrespective of the result of the votes in answer to subdivisions B and C, be taken to have

authorized, for the remainder of the calendar year, the retail sale in said town of all alcoholic beverages to be drunk on and off the premises where sold, in accordance with the provisions of chapter one hundred and thirty-eight of the General Laws.

If a majority of the votes cast in said town in answer to subdivisions A and C is not in the affirmative, but a majority thereof in answer to subdivision B is in the affirmative, said town shall be taken to have authorized, for the remainder of the calendar year, the retail sale therein of wines and malt beverages only to be drunk on and off the premises where sold, in accordance with the provisions of said chapter one hundred and thirty-eight.

If a majority of the votes cast in said town in answer to subdivision A and to subdivision B is not in the affirmative, but a majority thereof in answer to subdivision C is in the affirmative, said town shall be taken to have authorized, for the remainder of the calendar year, the retail sale therein of all alcoholic beverages but only in packages, so called, not to be drunk on the premises where sold, in accordance with the provisions of said chapter one hundred and thirty-eight.

If a majority of the votes cast in said town in answer to subdivision A is not in the affirmative, but a majority thereof in answer to subdivisions B and C is in the affirmative, said town shall be taken to have authorized, for the remainder of the calendar year, the retail sale therein of wines and malt beverages to be drunk on and off the premises where sold, and also the sale of all other alcoholic beverages but only in packages, so called, not to be drunk on the premises where sold, in accordance with the provisions of said chapter one hundred and thirty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved January 30, 1958.

CHAP. 23. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO LEASE LAND AND FACILITIES FOR A MUNICIPAL AIRPORT AND TO APPROPRIATE MONEY THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to lease from any person for a term of not less than five years land and facilities for the purpose of establishing a municipal airport. Said town may raise and appropriate for said purposes a sum of money not to exceed six thousand dollars per year during the term of any such lease or renewal thereof.

SECTION 2. Any action taken by the town of Falmouth at its annual town meeting in the current year pursuant to authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

SECTION 3. This act shall take effect upon its acceptance by a majority vote at an annual or special town meeting called for the purpose. For the purposes of such acceptance only this act shall take effect upon its passage.

Approved February 3, 1958.

CHAP. 24. AN ACT AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE TOWN OF NORTH ATTLEBOROUGH OF A QUESTION PERTAINING TO THE FLUORIDE SUPPLEMENTATION OF ITS WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. At the annual town election in the town of North Attleborough to be held in the current year, there shall be submitted to the voters the following question which shall be printed upon the official ballot to be used at said election:— "Are you in favor of the fluoride supplementation of the North Attleborough water supply?" If a majority of those voting vote in favor of such supplementation, the board of health of said town is hereby authorized and directed to take any and all necessary measures, either by itself or those designated by it, to carry into effect the fluoride supplementation of the water supply of said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1958.

CHAP. 25. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO APPROPRIATE MONEY TO FINANCE CONNECTING ABUTTING OWNERS OF SAID TOWN WITH THE WOODS HOLE SEWERAGE SYSTEM AND TO PROVIDE FOR REIMBURSEMENT TO SAID TOWN THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to raise and appropriate such sums as may be necessary to pay for the cost of connecting abutting owners in said town with the Woods Hole sewerage system, and to provide for the levying of annual assessments on such abutting owners so that said town may be reimbursed for the total cost of such connections within a period not to exceed twenty years.

SECTION 2. Any action taken by the town of Falmouth at its annual town meeting in the current year pursuant to authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

SECTION 3. This act shall take effect upon its acceptance by a majority vote at an annual or special town meeting called for the purpose. For purposes of such acceptance only this act shall take effect upon its passage.

Approved February 3, 1958.

CHAP. 26. AN ACT INCREASING THE AUTHORIZED CAPITAL STOCK OF CO-OPERATIVE CORPORATIONS.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 157 of the General Laws, as appearing in section 3 of chapter 378 of the acts of 1949, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The capital stock of a co-operative corporation formed under section three or section three A shall not be less than one hundred dollars nor more than five million dollars.

Approved February 3, 1958.

CHAP. 27. AN ACT PROVIDING THAT A CERTIFICATE AUTHORIZING THE PAYMENT UNDER CERTAIN CIRCUMSTANCES OF LESS THAN MINIMUM FAIR WAGE RATES BE ISSUED TO AN EMPLOYER INSTEAD OF TO AN EMPLOYEE.

Be it enacted, etc., as follows:

Chapter 151 of the General Laws is hereby amended by striking out section 9, as amended by chapter 225 of the acts of 1957, and inserting in place thereof the following section: — *Section 9.* For any occupation within the scope of the minimum fair wage law, the commissioner may cause to be issued to an employer of any learner, or of an employee under an approved apprentice training program, or of an employee whose earning capacity is impaired by age or physical or mental deficiency or injury, a special certificate authorizing employment at such wages, less than the established minimum fair wage rates, and for such period of time, as shall be fixed by the commissioner and stated in the certificate.

Approved February 3, 1958.

CHAP. 28. AN ACT PROVIDING FOR LIFE TENURE FOR HERBERT E. HART, INCUMBENT OF THE OFFICE OF HIGHWAY SUPERINTENDENT OF THE TOWN OF BLANDFORD.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of Herbert E. Hart, incumbent of the office of highway superintendent of the town of Blandford, shall, upon the effective date of this act, be unlimited, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of the town of Blandford present and voting thereon at an annual town meeting or at a special town meeting called for the purpose.

Approved February 3, 1958.

CHAP. 29. AN ACT EXTENDING THE TIME WITHIN WHICH THE LANESBOROUGH GARDEN CIRCLE SEWER DISTRICT MAY BORROW MONEY TO PAY CERTAIN NECESSARY EXPENSES AND LIABILITIES OF SAID DISTRICT.

Be it enacted, etc., as follows:

Section 9 of chapter 133 of the acts of 1951 is hereby amended by striking out, in lines 3 and 4, the words “, within five years after the passage of this act,” — so as to read as follows: — *Section 9.* For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time borrow such sums as may be necessary, not exceeding, in the aggregate, ninety thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lanesborough Garden Circle Sewerage Loan, Act of 1951. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

Approved February 3, 1958.

CHAP. 30. AN ACT PERMITTING THE TOWN OF ORLEANS TO APPROPRIATE, RAISE AND EXPEND CERTAIN SUMS OF MONEY FOR MUNICIPAL ADVERTISING.

Be it enacted, etc., as follows:

SECTION 1. The town of Orleans may appropriate annually a sum not exceeding three thousand dollars for the purpose of advertising and promoting the advantages of said town, and for the erection and maintenance of information booths therein; provided, however, that a sum at least equal to the amount of such appropriation shall be contributed by public subscription or by donation or legacy, and paid into the town treasury to be expended, in addition to the sums appropriated, for the aforesaid purposes. The money so appropriated and so contributed shall be expended under the direction of the selectmen.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the town meeting members voting thereon at an annual or special town meeting called for the purpose.

Approved February 3, 1958.

CHAP. 31. AN ACT TO PROVIDE FOR THE CREATION OF A BOARD OF LICENSE COMMISSIONERS IN THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Salisbury shall, upon acceptance of this act as provided in section five, appoint a board of license commissioners consisting of seven members, each of whom shall have been a resident of said town for at least two years immediately preceding his appointment, to serve for the following terms:— two members for one year, two members for two years and three members for three years. They shall hold office until their respective successors are appointed and qualified, and thereafter at the expiration of the term of each member, his successor shall be appointed for a term of three years. Any vacancy in said board shall be filled by the selectmen, on the recommendations of the remaining members of the board, and the person or persons so appointed to fill such vacancy shall serve for the remainder of the unexpired term.

SECTION 2. No member of the board shall be engaged directly or indirectly in the manufacture or sale of intoxicating liquors, or hold any other town office. If any member of the board shall engage directly or indirectly in the manufacture or sale of intoxicating liquors, his office shall thereupon become vacant. Five members of the board shall constitute a quorum for the transaction of business.

SECTION 3. All licenses issued in the said town for the sale of intoxicating liquors shall be issued and signed only by the said board of license commissioners, and shall be recorded in their office; and all the powers and duties relating to said licenses, or to the sale of intoxicating liquors, now or hereafter vested in the selectmen of towns shall be exercised and performed by the said board.

SECTION 4. The town may appropriate a reasonable sum of money for the compensation of its license commissioners, and shall pay reasonable expenses incurred by the board for blank books, printing and other necessary expenses, approved by the board.

SECTION 5. This act shall be submitted to the voters of the town of Salisbury at the annual town meeting in the current year in the form of the following question, which shall be printed on the official ballot to be used at said meeting for the election of town officers: — "Shall an act passed by the general court in the year nineteen hundred and fifty-eight, entitled 'An Act to provide for the creation of a board of license commissioners in the town of Salisbury', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect. *Approved February 3, 1958.*

CHAP. 32. AN ACT RELATING TO THE ACCELERATED HIGHWAY PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available without delay certain unexpended balances of existing bond issues and certain federal funds for highway construction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 718 of the acts of 1956 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The department and the commission shall accept any federal funds for such projects, and such funds, when received, shall be credited to the Highway Fund, provided, however, that federal funds received on account of allocations as provided in section one of chapter four hundred and three of the acts of nineteen hundred and fifty-four to the amount of sixty-seven million dollars shall be used as provided in said section one of said chapter four hundred and three. Prior to the anticipated receipt of federal funds in excess of said sixty-seven million dollars there is hereby authorized to be expended by the department, without further appropriation, an amount not to exceed two hundred million dollars for projects described in the first paragraph of this section. Funds authorized to be expended in this paragraph are to be in addition to funds authorized in the first paragraph of this section, and to funds authorized by the provisions of chapters three hundred and six of the acts of nineteen hundred and forty-nine, six hundred and eighty-five of the acts of nineteen hundred and fifty, five hundred and fifty-six of the acts of nineteen hundred and fifty-two and four hundred and three of the acts of nineteen hundred and fifty-four, and all of said acts and this act shall be construed so as to supplement one another.

SECTION 2. Section 13 of chapter 306 of the acts of 1949 is hereby amended by striking out, in lines 3 and 4, the words "June thirtieth, nineteen hundred and fifty-one" and inserting in place thereof the words: — December first, nineteen hundred and sixty-one.

SECTION 3. Section 12 of chapter 685 of the acts of 1950 is hereby amended by striking out, in lines 3 and 4, the words "June thirtieth, nineteen hundred and fifty-two" and inserting in place thereof the words: — December first, nineteen hundred and sixty-one.

SECTION 4. Section 11 of chapter 556 of the acts of 1952 is hereby

amended by striking out, in line 15, the word "fifty-six" and inserting in place thereof the word: — sixty-one.

SECTION 5. Section 11 of chapter 403 of the acts of 1954 is hereby amended by striking out, in line 4, the word "fifty-eight" and inserting in place thereof the word: — sixty-one.

SECTION 6. Notwithstanding the provisions of section fourteen of chapter twenty-nine of the General Laws and section two B of chapter four hundred and two of the acts of nineteen hundred and fifty-seven, appropriations authorized by chapters three hundred and six of the acts of nineteen hundred and forty-nine, six hundred and eighty-five of the acts of nineteen hundred and fifty, five hundred and fifty-six of the acts of nineteen hundred and fifty-two, four hundred and three of the acts of nineteen hundred and fifty-four, seven hundred and eighteen of the acts of nineteen hundred and fifty-six, and by this act, shall expire as of June thirtieth, nineteen hundred and sixty-three.

SECTION 7. For the purpose of facilitating payments under the accelerated highway program, and in anticipation of the receipt of federal funds for the purpose, the state treasurer may borrow from time to time on the credit of the commonwealth, such sums of money as may be necessary for the purpose of meeting payments authorized under the accelerated highway program, and may issue and renew from time to time, notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, that the total amount of such notes, authorized to be issued by this section, outstanding at any one time shall not exceed fifty million dollars. All interest payments and payments on account of principal of such obligations shall be paid from the Highway Fund; provided, that notwithstanding any provision of this act, such notes shall be general obligations of the commonwealth.

Approved February 3, 1958.

CHAP. 33. AN ACT PROVIDING FOR LIFE TENURE FOR THE PRESENT INCUMBENT OF THE OFFICE OF HIGHWAY SUPERINTENDENT OF THE TOWN OF NEW BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of the present incumbent of the office of highway superintendent of the town of New Braintree shall be unlimited, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act providing for life tenure for the present incumbent of

the office of highway superintendent of the town of New Braintree', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

SECTION 3. For the purposes of acceptance only this act shall take effect upon its passage.

Approved February 4, 1958.

CHAP. 34. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO PURCHASE A NEW AIRPLANE TO REPLACE THE AIRPLANE USED IN THE DETECTION AND PREVENTION OF FOREST FIRES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized to purchase a new airplane to replace the airplane used in the detection and prevention of forest fires. For said purpose the commissioners may expend out of any available funds the sum of thirty-five hundred dollars, which sum shall be included in the appropriation for the current year for said county.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1958.

CHAP. 35. AN ACT INCREASING THE AMOUNT OF PERSONAL ESTATE THE PROPRIETORS OF CEDAR GROVE CEMETERY IN THE CITY OF BOSTON MAY HOLD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 237 of the acts of 1887 is hereby amended by striking out section 2 and inserting in place thereof the following section:—*Section 2.* Said corporation may purchase, acquire, receive and hold real estate in that part of the city of Boston which was formerly Dorchester, to the extent of sixty acres; and said corporation may also hold personal estate to an amount not exceeding two million dollars.

SECTION 2. Chapter one hundred and one of the acts of nineteen hundred and four and chapter two hundred and sixteen of the acts of nineteen hundred and thirty-five are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 4, 1958.

CHAP. 36. AN ACT INCREASING THE AMOUNT OF PERSONAL ESTATE THE PROPRIETORS OF FOREST HILLS CEMETERY IN THE CITY OF BOSTON MAY HOLD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 57 of the acts of 1868 is hereby amended by striking out section 2 and inserting in place thereof the following section:—*Section 2.* Said corporation may purchase, acquire, receive and hold real estate in that part of the city of Boston known as West Roxbury, in the county of Suffolk, to the extent of three hundred acres; and said corporation may also hold personal estate to an amount not exceeding five million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1958.

CHAP. 37. AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN SOLDIERS AND SAILORS AND THEIR WIVES, WIDOWS, FATHERS OR MOTHERS MAY FILE APPLICATION FOR ABATEMENT OR EXEMPTION OF TAXES.

Be it enacted, etc., as follows:

Chapter 534 of the acts of 1949 is hereby amended by striking out section 3, as most recently amended by chapter 41 of the acts of 1957, and inserting in place thereof the following section: — *Section 3.* Application for abatement or exemption, as provided in sections one and two, of taxes levied in the year nineteen hundred and fifty-seven may be made not later than October first, nineteen hundred and fifty-eight, notwithstanding any provision of law to the contrary.

Approved February 4, 1958.

CHAP. 38. AN ACT RELATIVE TO THE ISSUANCE OF BADGES TO MINORS APPLYING FOR LICENSES TO WORK AS A BOOTBLACK OR NEWSBOY.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 71, as amended by section 5 of chapter 133 of the acts of 1945, and inserting in place thereof the following section: — *Section 71.* Such badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed evidence that such boy is twelve or over, which shall consist of either a birth certificate, a baptismal certificate showing the date of birth, or a certified copy of the official school record of the applicant showing his date of birth. Such officer may refuse to issue such badge to any boy who in his opinion, after due investigation, is found physically or mentally incompetent or unable to do such work in addition to the regular school attendance required by law.

Approved February 4, 1958.

CHAP. 39. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO CONVEY CERTAIN PARK LAND TO HELEN TSICKRITZIS.

Be it enacted, etc., as follows:

SECTION 1. The town of Watertown, acting through its proper board or commission, is hereby authorized to sell and convey to Helen Tsickritzis a certain parcel of land containing five hundred and sixty-two square feet, more or less, now held by said town for park purposes. Said parcel is bounded and described as follows: —

Northerly, by lot 14, as shown on a plan of land in Watertown by W. A. Mason & Sons, surveyors, recorded in plan book 181, plan 1, Middlesex registry of deeds, southern district, three and thirty-two one hundredths (3.32) feet;

Easterly, by park land ninety-three and eighty-nine hundredths (93.89) feet;

Southerly, by land now or formerly of Tsickritzis five (5) feet;

Westerly, by land of Tsickritzis eighty-nine and thirty hundredths (89.30) feet; be all measurements more or less.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the town meeting members voting thereon at an annual or special town meeting called for the purpose.

Approved February 4, 1958.

CHAP. 40. AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE COLLECTOR OF TAXES OF THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of the present incumbent of the office of collector of taxes in the town of Ludlow shall be unlimited during good behavior.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Ludlow at the annual town meeting in the current year in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the general court in the year nineteen hundred and fifty-eight, entitled 'An Act relative to the tenure of office of the collector of taxes of the town of Ludlow', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 10, 1958.

CHAP. 41. AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO A PETITION BY ANGELO SPINA.

Be it enacted, etc., as follows:

SECTION 1. Angelo Spina of Revere may, within six months after the passage of this act, bring a petition against the commonwealth under the provisions of chapter two hundred and fifty-eight of the General Laws for damages for injuries sustained by him on or about May fifteenth, nineteen hundred and fifty-five, at General Edward Lawrence Logan International Airport. If such injuries were sustained by reason of a defect or want of repair in or upon the premises of said airport, and such injury might have been prevented, or such defect or want of repair might have been remedied by reasonable care and diligence on the part of the commonwealth, the court shall, if the commonwealth had or, by the exercise of proper care and diligence, might have had reasonable notice of the defect or want of repair, find and determine the amount of his damages and order entry of judgment therefor.

SECTION 2. This act shall take effect as of the date of its passage.

Approved February 10, 1958.

CHAP. 42. AN ACT AUTHORIZING THE TOWN OF BEDFORD TO ESTABLISH IN THE TOWN TREASURY A RECREATION COMMISSION REVOLVING FUND.

Be it enacted, etc., as follows:

SECTION 1. The town of Bedford may establish in the town treasury a revolving fund in which shall be deposited the receipts of the recreation commission created by the town under the provisions of section fourteen of chapter forty-five of the General Laws. Any and all such funds

received by the town treasurer shall be kept separate from any other moneys, funds or property of the town, and the principal and interest thereof shall be expended at the direction of the recreation commission, without further appropriation, in such manner and at such times as shall in the discretion of the recreation commission best serve and promote the purposes for which such commission was established, the provisions of section fifty-three of chapter forty-four of the General Laws notwithstanding.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Bedford present and voting thereon at an annual or special town meeting.

Approved February 10, 1958.

CHAP. 43. AN ACT PROVIDING THAT CERTAIN INCREASES IN THE AMOUNT OF PENSIONS OF RETIRED FIRE FIGHTERS SHALL UPON ACCEPTANCE BE APPLICABLE TO FIRE FIGHTERS RETIRED BY FIRE DISTRICTS.

Be it enacted, etc., as follows:

Chapter 427 of the acts of 1957 is hereby amended by striking out section 2 and inserting in place thereof the following section: — *Section 2.* This act shall take effect upon its acceptance in a city having a Plan D or Plan E charter, by the affirmative vote of a majority of all the members of the city council; in a city not having such a charter by vote of the city council, subject to the provisions of the charter of such city; in a town, by a majority vote at a town meeting, and in a fire district upon its acceptance by the prudential committee of such district and by a majority of the legal voters of such district present and voting at the next following annual meeting thereof.

Approved February 10, 1958.

CHAP. 44. AN ACT AUTHORIZING A GUARDIAN OR CONSERVATOR TO EXPEND FUNDS FROM HIS WARD'S ESTATE FOR OR TOWARDS THE FUNERAL AND BURIAL EXPENSES OF A DECEASED MEMBER OF THE WARD'S FAMILY.

Be it enacted, etc., as follows:

Chapter 201 of the General Laws is hereby amended by inserting after section 38, as appearing in the Tercentenary Edition, the following section: — *Section 38A.* The probate court, upon the application of a guardian or conservator or of a member of his ward's family, and after such notice to all persons interested as it directs, may authorize and require such guardian or conservator to expend funds from the ward's estate for or towards the funeral and burial expenses of a deceased member of the ward's family. For the purposes of this section, the ward's lineal ancestors and descendants and the ward's spouse shall be deemed to be members of the ward's family, without however, thereby limiting the same.

Approved February 10, 1958.

- CHAP. 45. AN ACT AUTHORIZING CERTAIN OFFICERS OF CREDIT UNIONS TO PAY CERTAIN DEPOSITS OR SHARES TO THE SURVIVING SPOUSE OR NEXT OF KIN UPON THE DEATH OF A DEPOSITOR OR SHAREHOLDER.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by inserting after section 11 the following section:— *Section 11A.* Deposits or shares standing in the name of a deceased depositor or shareholder shall, except as otherwise provided in sections ten and eleven, be paid to his legal representative; provided that, if the total of such deposits and shares does not exceed five hundred dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer of the corporation, after the expiration of sixty days from the death of such depositor or shareholder, to the surviving spouse or next of kin of such deceased, on presentation of a copy of the death certificate and the surrender of the pass book, if any, evidencing such deposit or shares. Payments made as provided in this section shall discharge the liability of the corporation to all persons to the extent of such payments.

Approved February 10, 1958.

- CHAP. 46. AN ACT REMOVING THE RESTRICTION ON THE NUMBER OF SHARES OF CAPITAL STOCK WHICH A CREDIT UNION MAY PURCHASE OR HOLD IN THE CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

Section 3 of chapter 216 of the acts of 1932 is hereby amended by striking out, in line 4, the words “nor more than two thousand”, — so as to read as follows:— *Section 3.* Any credit union incorporated under the laws of the commonwealth may become a member of the corporation by subscribing for, purchasing and holding not less than five shares of its capital stock, but no member credit union shall invest in said shares more than five per cent of its total assets. A credit union may withdraw as a member of the corporation in such manner as the by-laws of the corporation shall prescribe.

Approved February 10, 1958.

- CHAP. 47. AN ACT AUTHORIZING THE COMMISSIONER OF BANKS TO CAUSE A MEETING TO BE HELD OF THE DIRECTORS OR TRUSTEES OF ANY BANK UNDER HIS SUPERVISION.

Be it enacted, etc., as follows:

Section 2A of chapter 167 of the General Laws, inserted by chapter 310 of the acts of 1933, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Whenever the commissioner deems it expedient he may cause a meeting of the board of directors or board of trustees of a bank to be held in such manner and at such time and place as he may direct.

Approved February 10, 1958.

CHAP. 48. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE GENERAL LAWS BY STRIKING OUT REFERENCES TO THE OFFICE OF TRIAL JUSTICE.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 218 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "or trial justice".

SECTION 2. Section 37 of said chapter 218, as amended by section 1 of chapter 250 of the acts of 1945, is hereby further amended by striking out, in line 4, the words "trial justices".

SECTION 3. Section 47 of chapter 262 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 6, the words "or trial justice".

SECTION 4. Section 50 of said chapter 262, as so appearing, is hereby amended by striking out, in line 14, the words "or before a trial justice".

SECTION 5. Section 51 of said chapter 262, as amended by chapter 605 of the acts of 1951, is hereby further amended by striking out, in line 6, the words "or before a trial justice".

SECTION 6. Section 53 of said chapter 262, as most recently amended by chapter 364 of the acts of 1952, is hereby further amended by striking out, in lines 6 and 7, and in line 15, the words "or before a trial justice".

SECTION 7. Section 53A of said chapter 262, inserted by chapter 455 of the acts of 1949, is hereby amended by striking out, in line 4, the words "or before a trial justice".

SECTION 8. Section 56 of said chapter 262, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "or trial justice".

SECTION 9. Section 57 of said chapter 262, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "or trial justice".

SECTION 10. Section 58 of said chapter 262, as so appearing, is hereby amended by striking out, in line 4, the words "and trial justice".

SECTION 11. Section 59 of said chapter 262, as so appearing, is hereby amended by striking out, in line 4, the words "or trial justice".

SECTION 12. Section 62 of said chapter 262, as so appearing, is hereby amended by striking out, in line 3, the words "trial justice".

Approved February 10, 1958.

CHAP. 49. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW PROVIDING THAT THE DISPLAY OF CERTAIN SIGNS ON ANY PREMISES SHALL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE OCCUPANT THEREOF IS ENGAGED IN BUSINESS AS A GUNSMITH.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 126, as amended by section 9 of chapter 688 of the acts of 1957, and inserting in place thereof the following section: — *Section 126.* If there is exposed from, maintained in or permitted to remain on any vehicle or premises any placard, sign or advertisement purporting or designed to announce that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises or that an occupant of any

vehicle or premises is a gunsmith, it shall be prima facie evidence that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

Approved February 10, 1958.

CHAP. 50. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATIVE TO CERTAIN AGREEMENTS IN COURT ACTIONS.

Be it enacted, etc., as follows:

Section 72 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 6 and 7, the words ", except as provided in section seventy-eight".

Approved February 10, 1958.

CHAP. 51. AN ACT CLARIFYING THE LAW RELATING TO PROMOTIONS FROM THE LABOR SERVICE TO THE OFFICIAL SERVICE.

Be it enacted, etc., as follows:

Section 15B of chapter 31 of the General Laws, as most recently amended by chapter 459 of the acts of 1953, is hereby further amended by inserting after the word "grade", in line 3, the words: —, as determined by the director, — so as to read as follows: — *Section 15B.* An appointing official, with the approval of the director, may promote to the lowest grade, as determined by the director, in the official service of a department, or division of a department, board or commission employees in the labor service of the same department, or division of a department, board or commission who pass a competitive promotional examination open to all permanent employees in said labor service of said department, or division of a department, board or commission who have been employed therein after certification for at least one year. The word "department", as used in this section, shall mean a department, or any division, institutional unit or other unit of a department in case such a unit is established by law, ordinance or by-law or under authority thereof.

Approved February 10, 1958.

CHAP. 52. AN ACT EXEMPTING DEDUCTIONS OF CERTAIN PAYMENTS TO FEDERAL AND STATE CREDIT UNIONS FROM THE OPERATION OF THE LAWS REGULATING ASSIGNMENT OF WAGES AND WEEKLY PAYMENTS OF WAGES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 154 of the General Laws is hereby amended by striking out section 8, as most recently amended by section 3 of chapter 244 of the acts of 1956, and inserting in place thereof the following section: — *Section 8.* None of the foregoing sections of this chapter, nor section one hundred and forty-eight of chapter one hundred and forty-nine, shall be applicable to or control or prohibit the deduction of labor or trade union or craft dues or obligations, or making deposits in, purchasing shares of, or for the repayment of any loan from any credit union established under the laws of the commonwealth or of the United

States, or deposits in any savings bank or co-operative bank, or subscriptions to a non-profit hospital service corporation established under chapter one hundred and seventy-six A, or to a medical service corporation established under chapter one hundred and seventy-six B, or to a charitable corporation, or payments or contributions of or toward the cost of or the premiums on any insurance policy or annuity contract or purchase of government bonds, or purchase of stock pursuant to an employee stock purchase plan, from wages of an employee by an employer in accordance with a written request made by the individual employee; provided, that no such written request, whether recorded or not, except in the case of labor or trade union or craft dues, shall be regarded as an assignment valid against a trustee process.

SECTION 2. The passage of this act shall not adversely affect the validity of any deductions of payments to credit unions heretofore made in accordance with section eight of chapter one hundred and fifty-four of the General Laws, as in effect prior to the effective date of this act.

Approved February 10, 1958.

CHAP. 53. AN ACT RELATIVE TO THE SERVICE OF POLICE OFFICERS IN OTHER CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 99 of chapter 41 of the General Laws, as most recently amended by chapter 214 of the acts of 1951, is hereby further amended by inserting after the word "police", in line 3, the words: —, or, in the absence of the chief of police or of such person, the commanding officer,— so as to read as follows: — *Section 99.* The mayor, selectmen, chief of police, or person however designated having the duties of a chief of police, or, in the absence of the chief of police or of such person, the commanding officer, may, upon the requisition of the mayor or chief of police or selectmen of another city or town, provide police officers, who shall have the authority of constables and police officers within the limits of such city or town, except as to the service of civil process, and, while exercising such authority within such limits, shall have the same immunities and privileges as when acting within their respective cities and towns; and the city or town providing said officers shall be entitled to receive from such city or town the amount paid to them for their services, including their necessary traveling expenses.

Approved February 10, 1958.

CHAP. 54. AN ACT CHANGING THE FILING DATE OF CERTAIN INFORMATION RETURNS REQUIRED UNDER THE INCOME TAX LAW.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 33 of chapter 62 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "March" and inserting in place thereof the word: — June.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved February 10, 1958.

CHAP. 55. AN ACT CLARIFYING THE LAW REGARDING TRANSFERS
OF PERMANENT EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 31 of the General Laws is hereby amended by striking out section 16A, as amended by section 6 of chapter 703 of the acts of 1945, and inserting in place thereof the following section:— *Section 16A.* Except as otherwise provided by law, any person who has been permanently appointed in accordance with the civil service law and rules, and who has actually been employed after permanent appointment for at least one year in the official or labor service, may, after application in writing to the director by the appointing authority and with the consent of the director, be transferred to another similar position. No position shall be considered as similar which is higher in grade or for which there are substantially dissimilar requirements for appointment.

A temporary transfer, without regard to the class or grade of the positions involved, may be authorized by the director for a period not to exceed six months if, in his opinion, such transfer will be for the public good.

No transfer shall be made without the consent of the employee and the approval and consent of the appointing authority in the department or departments involved.

Approved February 10, 1958.

CHAP. 56. AN ACT INCREASING THE FEES OF COURT STENOGRAPHERS
FOR FURNISHING TRANSCRIPTS OF THEIR NOTES.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by striking out section 88, as most recently amended by chapter 85 of the acts of 1957, and inserting in place thereof the following section:— *Section 88.* Upon request of the presiding justice or any party, the stenographer shall furnish a transcript of his notes or any part thereof, taken at a trial or hearing, for which he shall be paid by the party requesting it at the rate of thirty-two cents a hundred words for one copy, and twelve cents a hundred words for each additional copy if more than one copy is ordered at the same time; but if it is requested by the presiding justice or, in a criminal case, by the district attorney, payment therefor at the same rate shall be made by the county upon a voucher approved by him, and, in a criminal case, the expense of transcripts furnished to said justice and to the district attorney shall be taxed like other expenses.

Approved February 10, 1958.

CHAP. 57. AN ACT VALIDATING THE ESTABLISHMENT OF A REGIONAL
SCHOOL DISTRICT BY THE TOWNS OF ASHBURNHAM AND
WESTMINSTER.

Be it enacted, etc., as follows:

SECTION 1. The organization of a regional school district by the towns of Westminster and Ashburnham, including the agreement under which such district was established and all acts and proceedings heretofore done or taken by the said towns or the said district or the officers or agents of any of them in connection with said district, are hereby vali-

dated, and said district is hereby declared to be, and at all times since its organization to have been, a valid district with all the rights, powers and duties of districts duly organized under section fifteen of chapter seventy-one of the General Laws.

SECTION 2. Notwithstanding any provisions contained in said agreement to the contrary, the present members of said regional school district committee shall continue to serve until their successors are elected at the annual meeting of each of said towns in the year nineteen hundred and fifty-nine.

SECTION 3. This act shall take effect upon its acceptance during the current year by a majority of the voters of the town of Ashburnham present and voting thereon at a special town meeting duly called for the purpose, said meeting to be called within sixty days from the date of passage of this act.

Approved February 11, 1958.

CHAP. 58. AN ACT PROVIDING THAT THE PENALTY FOR RECEIVING DEPOSITS BY INSOLVENT BANKS SHALL APPLY TO ALL BANKING INSTITUTIONS SUBJECT TO THE SUPERVISION OF THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 54, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 54.* Any officer or employee of a bank, as defined in section one of chapter one hundred and sixty-seven, who receives or permits the receipt of any deposit knowing that such bank is insolvent, shall be punished by imprisonment for not more than two and one half years or by a fine of not more than five thousand dollars, or both.

Approved February 11, 1958.

CHAP. 59. AN ACT PROVIDING THAT THE PERMANENT DOCKET AND RECORD BOOKS OF ADOPTION PROCEEDINGS BE SEGREGATED AND THE INSPECTION THEREOF LIMITED.

Be it enacted, etc., as follows:

Chapter 210 of the General Laws is hereby amended by striking out section 5C, as amended by section 1 of chapter 187 of the acts of 1957, and inserting in place thereof the following section: — *Section 5C.* All petitions for adoption, all reports submitted thereunder and all pleadings, papers or documents filed in connection therewith, docket entries in the permanent docket and record books shall not be available for inspection except by the adopting parent or parents, the child or person adopted, their attorney of record, the persons appearing in opposition to such petition or their attorneys of record, unless a judge of probate, or the register or an assistant register of probate of the county where such records are kept, for good cause shown, shall otherwise order. Such petitions, reports, pleadings, papers, documents and permanent docket and record books shall be segregated. A separate permanent docket book shall be provided for all such entries. Nothing contained in this section shall apply to the index of the court.

Approved February 11, 1958.

CHAP. 60. AN ACT AUTHORIZING THE HYANNIS FIRE DISTRICT TO
RAISE AND APPROPRIATE MONEY FOR A WAR MEMORIAL
IN SAID DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The Hyannis Fire District is hereby authorized to raise, appropriate and expend a sum of money not in excess of three thousand dollars for a suitable war memorial within the said district.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of said district present and voting thereon at a meeting called for the purpose and held within three years after the passage of this act.

Approved February 11, 1958.

CHAP. 61. AN ACT AUTHORIZING THE FILING OF CERTAIN PLANS IN
REGISTRIES OF DEEDS.

Be it enacted, etc., as follows:

Chapter 36 of the General Laws is hereby amended by inserting after section 13A the following section: — *Section 13B.* A plan, the original of which was prepared by an engineer, surveyor or draftsman who is no longer living or whose whereabouts is not known but which plan has been referred to in deeds or other documents theretofore duly recorded or a plan prepared or bearing a date prior to January first, nineteen hundred and sixteen, shall be received for filing in the registry of deeds of the district or county where the land lies even though the original or the best available print or photo copy thereof does not conform to the rules established under section thirteen A, provided there is filed and recorded with it a tracing or copy thereof prepared in accordance with said rules as then applicable in said registry and duly identified as a copy thereof. The fee for filing such plan shall be the recording fee for the tracing or copy thereof, as provided by section thirty-eight of chapter two hundred and sixty-two, together with a further fee to be established in each case by the register of deeds with due regard to the probable expense of preserving and storing the original or print or photo copy thereof. In his discretion, the register may require the person presenting such plan for filing to provide and to record an affidavit setting forth the facts that qualify said plan to be received under the provisions of this section.

Approved February 11, 1958.

CHAP. 62. AN ACT EXTENDING THE TIME WITHIN WHICH DECISIONS
SHALL BE MADE ON APPEALS UNDER THE GENERAL SALARY
PLAN OF THE VARIOUS COUNTIES, EXCEPT SUFFOLK.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 621 of the acts of 1957 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Said board shall render a decision on said appeal within five months of the receipt thereof.

SECTION 2. Section 8 of said chapter 621 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

Said board shall cease to exist when it has decided all appeals referred to it under section seven or on July first, nineteen hundred and fifty-eight, whichever occurs first.

Approved February 11, 1958.

CHAP. 63. AN ACT PROHIBITING THE HOLDING BY OFFICERS OR CERTAIN EMPLOYEES OF CREDIT UNIONS OF CERTAIN OFFICES OR POSITIONS IN OTHER CREDIT UNIONS.

Be it enacted, etc., as follows:

The first paragraph of section 15 of chapter 171 of the General Laws, as most recently amended by chapter 94 of the acts of 1952, is hereby further amended by adding at the end the following sentence: — A person holding the office of president, treasurer, member of the credit committee, member of the auditing committee, or bookkeeper or an employee having access to securities or cash in a credit union shall not hold any of said offices or be employed in a capacity in which he has access to securities or cash in another credit union at the same time.

Approved February 11, 1958.

CHAP. 64. AN ACT ESTABLISHING THE OFFICE OF COMPTROLLER IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the town of Dedham a comptroller who shall be appointed by the selectmen and who shall have, in addition to the powers and duties conferred and imposed upon town accountants, the powers and duties prescribed in section two hereof. The person so appointed shall be a citizen of the United States and shall have had not less than three years' full-time experience in municipal or governmental accounting. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees in his office. He shall be appointed in March for the term of three years from the first day of April following or until the qualification of his successor. He may be removed by the selectmen for cause and the vacancy filled by appointment for the remainder of the unexpired term in the same manner as in the case of an original appointment. His salary or compensation shall be such as the personnel board may vote from time to time. Subject to appropriation and to the provision of chapter thirty-one of the General Laws, he may appoint and employ such officers, agents, assistants and employees as may be necessary for the proper conduct of his office. The position or office of comptroller shall not be subject to the laws and rules pertaining to civil service.

SECTION 2. The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants, the following powers and duties: —

(a) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several officers, boards and commissions of the town; provided, however, that any change in the system of accounts shall first be discussed with the selectmen and the officers, boards and commissions affected, and shall meet the requirements of the state director of accounts.

(b) He shall initiate the preparation and issuance of standard practices relating to all accounting matters and procedures and the co-ordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters.

(c) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(d) He shall draw all warrants upon the treasurer for the payment of bills, drafts and orders chargeable to the several appropriations.

(e) He shall, prior to submitting any warrant to the selectmen, examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby; and in connection with any such examination he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any officer, board or commission of the town, and may investigate the services or labor performed for or furnished to any such officer, board or commission. If upon such examination it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive he may disallow and refuse to approve the same for payment, in whole or in part, and in such case he shall file with the town treasurer a written statement of the reasons for such refusal. The treasurer shall not pay any claim or bill so disallowed by the comptroller.

SECTION 3. If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the selectmen may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties thereof until the comptroller who was disabled or absent resumes his duties or until another comptroller is duly appointed. Said appointment shall be in writing, signed by a majority of the selectmen and shall be filed in the office of the town clerk.

SECTION 4. Upon the qualification of the comptroller first appointed hereunder, the town accountant shall cease to serve as such and the office of town accountant shall thereupon be abolished.

SECTION 5. This act shall take full effect upon its acceptance by the town of Dedham by a majority vote of the town meeting members present and voting thereon at an annual or special town meeting called for the purpose within two years of the passage of this act, but not otherwise.

Approved February 11, 1958.

CHAP. 65. AN ACT AUTHORIZING THE SUPREME JUDICIAL COURT TO DETERMINE THE TIMES AND PLACES OF JURY SITTINGS OF SAID COURT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 211 of the General Laws is hereby amended by striking out section 17, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—*Section 17.* Jury sittings of the court shall be held by one justice, who shall have all the powers not expressly reserved to the full court.

If there are pending before the court in the respective counties matters requiring trial by jury, such sittings shall be held in the county of Suffolk sitting at Boston or in such other county at such places and times as

the court may determine as being conducive to the dispatch of business and to the interest of the public.

SECTION 2. Section thirty-eight of chapter two hundred and fourteen of the General Laws is hereby repealed.

Approved February 11, 1958.

CHAP. 66. AN ACT RELATIVE TO LIMITATIONS ON DONATIONS TO CERTAIN ORGANIZATIONS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 68 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out paragraph 4 and inserting in place thereof the following: —

4. *Limitations.* — No such corporation shall expend in the aggregate in any one fiscal year, as determined by the commissioner, for all of the purposes hereinbefore provided in this section, more than one-half of one per cent of its income for the next preceding fiscal year, as so determined. The total payments made in a fiscal year to any one association, organization or donee shall not, in the case of payments made under the authority of paragraph 2 of this section, exceed one-thirteenth part of said one-half of one per cent of income and shall not, in the case of payments made under the authority of paragraph 3 of this section, exceed one-fifth part of said one-half of one per cent of income; provided that, in case of payments made under said paragraph 3 to an association, organization or donee consisting of ten or more participating charities or other agencies, such payments shall not exceed one-third part of said one-half of one per cent of income.

Approved February 11, 1958.

CHAP. 67. AN ACT CONFIRMING AND VALIDATING THE ACTION OF THE TOWN OF WINCHENDON IN SELLING AND CONVEYING THE TOWN INFIRMARY LAND AND BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Winchendon by its board of selectmen in selling and conveying to the Winchendon Hospital, Incorporated the town infirmary land and buildings and the terms and conditions of such sale and conveyance are hereby confirmed and validated.

SECTION 2. Action taken by said town of Winchendon under Article twenty-three at the adjourned annual town meeting held March sixth, nineteen hundred and fifty-three, shall be as valid and effective as though this act had been in full force and effect at the time when the warrant for said meeting was posted and said action was taken.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1958.

CHAP. 68. AN ACT AUTHORIZING THE CITY OF QUINCY TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO URIEL O. MACDONALD.

Be it enacted, etc., as follows.

SECTION 1. The city of Quincy is hereby authorized to appropriate and pay the sum of eight thousand five hundred dollars to Uriel O. MacDonald for services and materials rendered to said city in the year

nineteen hundred and fifty-seven for the installation of surface drains in Plymouth avenue, which sum is legally uncollectible from said city.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that said services were rendered to said city and said materials were actually used in the said installation.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not rendered to said city or materials which were not used in said installation shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved February 12, 1958.

CHAP. 69. AN ACT FURTHER DEFINING "DISABLED VETERAN" IN THE LAWS RELATING TO CIVIL SERVICE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide for its application forthwith to certain disabled veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 23A of chapter 31 of the General Laws, as appearing in section 1 of chapter 430 of the acts of 1956, is hereby amended by inserting after the word "Administration", in line 14, the words —, or who shall present proof satisfactory to the director that such disability is a service-incurred disability based on wartime service, or for which he is receiving or is entitled to receive a statutory award from the Veterans' Administration.

SECTION 2. The provisions of section twenty-three A, as amended by section one of this act, and section twenty-three B of chapter thirty-one of the General Laws shall apply to all civil service lists in existence on the effective date of this act, in accordance with civil service laws and rules applicable thereto.

Approved February 12, 1958.

CHAP. 70. AN ACT INCREASING THE AMOUNT OF MONEY A CITY OR TOWN MAY BORROW OUTSIDE ITS DEBT LIMIT FOR CERTAIN GAS OR ELECTRIC LIGHTING PLANT PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for an increase in the borrowing capacity of cities and towns for the purpose of establishing, purchasing, extending or enlarging gas or electric lighting plants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause (8) of section 8 of chapter 44 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by insert-

ing after the word "city", in line 6, the following: — ; provided, however, that the emergency finance board, established under chapter forty-nine of the acts of nineteen hundred and thirty-three, may authorize a city to incur indebtedness under this clause in excess of two and one half per cent but not in excess of five per cent of the last preceding assessed valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of five per cent but not in excess of ten per cent of the last preceding assessed valuation of such town. The value of motor vehicles and trailers taxable under chapter sixty A, as determined thereunder, shall be included in determining the valuation of taxable property for the purposes of this clause.

SECTION 2. The members of the emergency finance board, when acting under clause (8) of section eight of chapter forty-four of the General Laws shall receive from the commonwealth compensation to the same extent as provided under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended, and chapter seventy-four of the acts of nineteen hundred and forty-five.

Approved February 12, 1958.

CHAP. 71. AN ACT AUTHORIZING SPRINGFIELD COLLEGE TO HOLD
ADDITIONAL REAL AND PERSONAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit forthwith Springfield College to take and hold additional real and personal property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, Springfield College, a corporation duly organized under the laws of the commonwealth, is hereby authorized to acquire by gift, grant, bequest, devise or otherwise, lands, tenements or other estate, real or personal, to an amount not exceeding fifteen million dollars, and to hold, manage, and from time to time to invest and re-invest the same, or the proceeds of any sale thereof, for the purposes set forth in its charter.

Approved February 12, 1958.

CHAP. 72. AN ACT RELATIVE TO THE EFFECTIVE DATE OF ORDINANCES
ESTABLISHING THE SALARIES OF MAYORS, CITY MANAGERS,
COUNCILLORS AND MEMBERS OF BOARDS OF ALDERMEN.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 39 of the General Laws, inserted by section 1 of chapter 259 of the acts of 1952, is hereby amended by striking out, in line 8, the word "term" and inserting in place thereof the word: — year, — and by inserting after the word "municipal", in line 16, the words: — or state, — so as to read as follows: — *Section 6A.* Notwithstanding the provisions of any city charter to the contrary the mayor and the members of the city council or other legislative body of a city, shall receive for their services such salary as the city council or other legislative body of said city shall by ordinance determine, and

shall receive no other compensation from the city. No increase or reduction in such salaries shall take effect during the year in which such increase or reduction is voted, and no change in such ordinance shall be made between the election of a new council or other legislative body and the qualification of the new council or other legislative body. No ordinance providing for such increase or decrease in said salaries shall take effect in any city unless it is approved by a majority of the registered voters of the city voting thereon at the next regular municipal or state election.

SECTION 2. Section 17A of chapter 43 of the General Laws, inserted by section 2 of said chapter 259 of the acts of 1952, is hereby amended by striking out, in line 6, the word "term" and inserting in place thereof the word: — year, — and by inserting after the word "municipal", in line 13, the words: — or state, — so as to read as follows: — *Section 17A.* The mayor or city manager and the members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and they shall receive no other compensation from the city. No increase or reduction in the salaries of mayor or city councillors shall take effect during the year in which such increase or reduction is voted, and no change in such salaries shall be made between the election of a new council and the qualification of the new council. No ordinance providing for such increase or decrease in the salaries of the mayor or the members of the city council shall take effect unless it is approved by a majority of the registered voters of the city voting thereon at the next regular municipal or state election.

Approved February 12, 1958.

CHAP. 73. AN ACT RELATIVE TO THE HOLDING OF THE STATE PRIMARIES IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

The biennial state primaries shall be held on Tuesday, the ninth day of September in the current year, notwithstanding any contrary provision contained in section twenty-eight of chapter fifty-three of the General Laws.

The dates, days and hours for the performance of certain acts and the doing of certain things under the provisions of the General Laws shall, for the current year, notwithstanding any contrary provision of said General Laws as to said dates, days and hours, be in accordance with the dates, days and hours set forth in the following political calendar: —

June 24, July 1, 8, 15	Registrars of Voters and Election Commissioners are required to hold meetings for certifying names on all nomination papers on the four Tuesdays preceding July 22.
July 15	5 P.M., last day and hour for filing all nomination papers with Registrars of Voters and Election Commissioners for certification of signatures.
July 21	Last day for holding convention of non-political parties for the nomination of candidates.
July 22	5 P.M., last day and hour for filing all nomination papers and certificates of nomination for the biennial state primary and for the State Election with the Secretary of the Commonwealth.
July 22	5 P.M., last day and hour for filing certificates of enrolment of candidates to the State Primaries.

July 25	5 P.M., last day and hour for filing withdrawals of or objections to all nomination papers and certificates of nomination for the State Election with the Secretary of the Commonwealth.
July 29	5 P.M., last day and hour for filing vacancies caused by withdrawals.
August 8	Last day to register voters for the State Primaries.
August 29	Last day for filing public policy applications with Registrars of Voters and Election Commissioners for certification of signatures.
September 5	Last day for filing with the Secretary of the Commonwealth applications for submission to voters at the State Election of questions of public policy.
September 9	STATE PRIMARIES.
September 15	5 P.M., last day and hour for filing written acceptance by candidates to be voted for whose names were not printed on the Primary ballots.
September 15	5 P.M., last day and hour for filing withdrawals of or objections to nominations at the State Primaries.
September 18	5 P.M., last day and hour for filing vacancies caused by withdrawals at the State Primaries.
October 3	Last day to register voters for the State Election.
November 4	STATE ELECTION.

CORRUPT PRACTICES.

CANDIDATES.

September 10	Earliest day for filing with the Secretary of the Commonwealth returns of receipts and expenditures for nomination.
September 25	5 P.M., last day and hour for filing such returns.
November 5	Earliest day for filing returns of receipts and expenditures of candidates for election.
November 20	5 P.M., last day and hour for filing such returns.

POLITICAL COMMITTEES.

November 5	Earliest day for filing detailed statement of receipts and expenditures of a political committee, with the clerk of the city or town in which the candidate is a voter, and a duplicate with the Secretary of the Commonwealth.
December 4	5 P.M., last day and hour for filing such statements.

Approved February 12, 1958.

CHAP. 74. AN ACT PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE TOWN OF LEXINGTON AT THE ANNUAL ELECTION OF A CERTAIN QUESTION PERTAINING TO AMENDMENT OF THE ZONING BY-LAW OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of ascertaining the will of the voters of the town of Lexington with reference to amendment of the zoning by-law of said town, there shall be placed on the official ballot to be used for the election of town officers to be held on the second Monday in March in the current year the following question: — "Are you in favor of amending the zoning by-law of the Town to change land bounding on Spring Street, the Cambridge-Concord Highway (Route 2) and the State Highway Route 128 from a one-family dwelling district to a type of business district that will enable it to be used for a regional shopping center?" If a majority of those voting on said question vote in favor of such an amendment, it shall be deemed to be the will of the voters that an amendment to the zoning by-law to accomplish such a change be proposed for adoption in the manner required by law.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1958.

CHAP. 75. AN ACT PROVIDING THAT VOTING SHALL BE BY PRECINCTS ON MATTERS TO BE DETERMINED BY SECRET BALLOT IN THE TOWN OF GREAT BARRINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, voting shall be by precincts whenever a town meeting of the town of Great Barrington is adjourned for a vote by secret ballot.

SECTION 2. This act shall take effect upon its acceptance by the affirmative vote of a majority of the voters present and voting thereon at an annual or a special town meeting of such town, but not otherwise.

Approved February 17, 1958.

CHAP. 76. AN ACT RELATIVE TO THE LAYING OF CERTAIN WATER MAINS BY THE BOARD OF WATER COMMISSIONERS IN THE DRACUT WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 433 of the acts of 1905 is hereby amended by inserting after section 9 the following section:— *Section 9A.* The board of water commissioners of the Dracut Water Supply District, hereinafter referred to as the board, is hereby authorized to lay water mains in public and private ways within the limits of said district. Abutters on such public ways and owners of such private ways may apply to the board for the laying therein of water mains, and such an application shall contain such information, including plans, as the board may require. Upon receipt of an application hereunder, the board shall make an estimate of the cost of the work to be done by it, and shall notify the applicant of the amount of such estimate. Thereupon the applicant shall pay the amount of the estimate to the treasurer of said district, who shall hold the same in a separate account and pay therefrom the cost of the work as certified to him from time to time by the board. In case the cost of such work exceeds the cost estimated by the board, the work shall cease until the additional cost has been estimated by the board and the amount thereof has been paid to said district treasurer, which additional amount shall be held and used in the same manner as the amount paid on the original estimate. No work shall be done by the board hereunder until the payments due from the applicant have been paid to said district treasurer, nor until the applicant has granted to the said district such easements and other rights as may be necessary in carrying out the purposes of this act. In case the cost of the work is less than the cost estimated by the board, the difference shall be refunded to the applicant.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of said district present and voting thereon, by the use of a check list, at a district meeting called within two years after its passage.

Approved February 17, 1958.

CHAP. 77. AN ACT RELATING TO THE ORGANIZATION, POWERS AND DUTIES OF THE ZONING COMMISSION PROVIDED BY LAW FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 665 of the acts of 1956 is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs: — There shall be in the city planning department of the city of Boston, or in such other department of said city as the city council of said city with the approval of the mayor of said city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor, subject to confirmation by the city council, as follows: — one commissioner from two candidates nominated by the Associated Industries of Massachusetts, one commissioner from two candidates nominated by the Boston Central Labor Union, one commissioner from two candidates nominated by the Boston Real Estate Board, one commissioner from two candidates nominated one by The Boston Society of Architects and one by the Boston Society of Landscape Architects, one commissioner from two candidates nominated by the Boston Society of Civil Engineers, one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce, one commissioner from two candidates nominated by the Massachusetts Motor Truck Association, Inc., one commissioner from two candidates nominated by the Master Builders Association of Boston, and three commissioners selected at large by the mayor, of whom one shall own alone or with one or more other persons, and shall occupy in whole or in part as his place of residence, a dwelling house having not more than three dwelling units. All zoning commissioners shall be residents of Boston; provided, that any person who on the acceptance of this act is a member of the board of zoning adjustment of said city may be a zoning commissioner irrespective of his place of residence.

The zoning commissioners initially appointed upon nomination under this section shall serve, in the case of the commissioners appointed upon nomination of the Associated Industries of Massachusetts, the Boston Central Labor Union, and the Boston Real Estate Board, for a term expiring three years, in the case of the commissioners appointed upon nomination of The Boston Society of Architects or the Boston Society of Landscape Architects, the Boston Society of Civil Engineers, and the Greater Boston Chamber of Commerce, for a term expiring two years, and in the case of the commissioners appointed upon nomination of the Massachusetts Motor Truck Association, Inc., and the Master Builders Association of Boston, for a term expiring one year, from May first, nineteen hundred and fifty-eight. The other zoning commissioners initially appointed under this section shall serve, according to the provisions of their respective appointments, for terms expiring, in the case of one commissioner, three years, in the case of another commissioner, two years, and in the case of the other commissioner, one year, from said May first. As the term of any zoning commissioner initially appointed, or of any subsequent zoning commissioner, expires, his successor shall be appointed in like manner as such commissioner for a term of three

years. Any vacancy in the office of a zoning commissioner shall be filled in the same manner for the unexpired term.

SECTION 2. The first paragraph of section 3 of said chapter 665 is hereby amended by striking out the fifth, sixth and seventh sentences and inserting in place thereof the following three sentences:— Such public hearing shall be attended by not less than six of the members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission, by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval by the mayor as orders or votes of the city council of the city, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such a regulation or amendment over the veto of the mayor.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1958.

CHAP. 78. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO SELL CERTAIN LAND BELONGING TO SAID TOWN AND HELD FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree is hereby authorized to sell and convey a certain parcel of land held by said town for park purposes and shown as Plot 1 on Braintree assessors' plan numbered 3023 in accordance with the provisions of a vote adopted at a special town meeting duly called for the purpose on October seventh, nineteen hundred and fifty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1958.

CHAP. 79. AN ACT REGULATING THE USE OF SHOE-FITTING MACHINES EMPLOYING FLUOROSCOPIC, X-RAY OR RADIATION PRINCIPLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect without delay the people of the commonwealth from indiscriminate, unnecessary, and potentially harmful exposure to radiation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety.

Be it enacted, etc., as follows:

SECTION 1. Section five C of chapter one hundred and eleven of the General Laws, inserted by chapter five hundred and ninety-five of the acts of nineteen hundred and fifty-six is hereby repealed.

SECTION 2. Said chapter 111 is hereby amended by inserting after section 186 the following section: — *Section 186A.* No person shall operate or maintain a shoe-fitting device or machine which uses fluoroscopic, X-ray or radiation principles, except for diagnostic or therapeutic purposes by or under the direction of a physician or chiropodist (podiatrist) registered under the laws of the commonwealth. Violations of this section shall be punished by a fine of not more than twenty-five dollars.

Approved February 17, 1958.

CHAP. 80. AN ACT REPEALING PROVISIONS OF LAW THAT MEMBERS OF LICENSING BOARDS SHALL NOT HOLD ANY OTHER PUBLIC OFFICE.

Be it enacted, etc., as follows:

Section 4 of chapter 138 of the General Laws, as amended by section 2 of chapter 385 of the acts of 1934, is hereby further amended by striking out, in lines 9 and 10, the words “, and who shall not hold any other public office except that of notary public and justice of the peace”, — so as to read as follows: — *Section 4.* In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

Approved February 17, 1958.

CHAP. 81. AN ACT RELATIVE TO THE DATE FOR THE ANNUAL OBSERVANCE OF CHILDREN'S DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 12U, inserted by chapter 618 of the acts of 1956, and inserting in place thereof the following section: — *Section 12U.* The governor shall annually issue a proclamation setting apart the second Sunday in June as Children's Day and recommending that said day be observed by the people in an appropriate manner in recognition of our children of today from whom will come the leaders of tomorrow.

Approved February 17, 1958.

CHAP. 82. AN ACT PLACING CERTAIN OFFICES AND POSITIONS IN THE TOWN OF SWAMPSCOTT UNDER THE CIVIL SERVICE LAWS AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter thirty-one of the General Laws shall, upon the effective date of this act, apply to all offices and

positions in the town of Swampscott which are not already classified under said laws, including all clerical and custodial employees, employees of the school lunch program, the town accountant and the health agent. The tenure of the incumbent of any such office or position shall be unlimited subject, however, to the provisions of the civil service laws and rules; provided, however, that the incumbent of such office or position on said effective date shall be subjected by the division of civil service to a qualifying examination, if so required by the civil service law, and if he passes said examination, he shall be certified for such office or position and deemed to be permanently appointed thereto without being required to serve any probationary period.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the town meeting members of the town of Swampscott at an annual or special town meeting called for the purpose, but not otherwise.

Approved February 17, 1958.

CHAP. 83. AN ACT RELATIVE TO NOTIFICATION OF THE ELECTION OF OFFICERS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 15 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:— Each person elected to office at the annual meeting or at any other meeting of the corporators or trustees who is not present at the meeting at which he was elected shall be notified in writing of such election by the clerk of the corporation. Such notice shall be sent within ten days after such meeting to the last known address of such person.

Approved February 17, 1958.

CHAP. 84. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO PAY A CERTAIN SUM OF MONEY TO ALICE B. QUIRK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Leominster is hereby authorized to appropriate and pay the sum of three hundred and sixty-eight dollars and eighty-five cents to Alice B. Quirk, the widow of Robert P. Quirk, a deceased member of the police department of said city, for the unpaid salary due to him.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, with the approval of its mayor.

Approved February 17, 1958.

CHAP. 85. AN ACT REPEALING PROVISIONS OF LAW PROHIBITING HAIRDRESSING SCHOOLS FROM MAKING A CHARGE FOR MATERIALS IN CONNECTION WITH THE PRACTICE OF HAIRDRESSING OR MANICURING.

Be it enacted, etc., as follows:

Section 87U of chapter 112 of the General Laws, as most recently amended by chapter 345 of the acts of 1949, is hereby further amended

by striking out, in line 9, the words "or materials", — so as to read as follows: — *Section 87U*. All students enrolled in registered schools shall, within fifteen days after entering upon their courses of study, be registered with the board by such schools. Students at registered schools may, within such fifteen day period, register with the board. No fee shall be required for such registration. No student shall practice hairdressing or manicuring upon any paying customer, and no school shall directly or indirectly make any charge for services in connection with such practice of hairdressing or manicuring. A school shall not pay a student for any services rendered by him.

Approved February 17, 1958.

CHAP. 86. AN ACT PROHIBITING AND PENALIZING THE USE OF DRUGS FOR THE PURPOSE OF AFFECTING THE SPEED OF DOGS AT DOG RACING MEETINGS.

Be it enacted, etc., as follows:

Chapter 128A of the General Laws is hereby amended by striking out section 13B, inserted by chapter 322 of the acts of 1937, and inserting in place thereof the following section: — *Section 13B*. No person shall administer or cause to be administered any drug, internally or externally by injection, drench or otherwise, to any horse or dog for the purpose of retarding, stimulating or in any other manner affecting the speed of such horse or dog in or in connection with a race conducted under the provisions of this chapter. Whoever violates this section shall be punished by a fine of five thousand dollars or by imprisonment for one year, or both.

Approved February 17, 1958.

CHAP. 87. AN ACT REMOVING THE OFFICE OF CITY AUDITOR OF THE CITY OF MEDFORD FROM THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act the office of city auditor of the city of Medford shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted to the voters of the city of Medford at the biennial state election to be held in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and fifty-eight, entitled 'An Act removing the office of city auditor of the city of Medford from the classified civil service' be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 17, 1958.

CHAP. 88. AN ACT EXTENDING THE TIME DURING WHICH A STAY OR SUCCESSIVE STAYS OF EXECUTION TOTALLING NINE MONTHS MAY BE GRANTED IN AN ACTION OF SUMMARY PROCESS BROUGHT TO RECOVER POSSESSION OF PREMISES FOR DWELLING PURPOSES.

Be it enacted, etc., as follows:

Chapter 43 of the acts of 1946 is hereby amended by striking out section 2, as most recently amended by section 3 of chapter 51 of the acts of 1957, and inserting in place thereof the following section:—
Section 2. This act shall become inoperative on June thirtieth, nineteen hundred and fifty-nine.
Approved February 17, 1958.

CHAP. 89. AN ACT RELATIVE TO THE TENURE OF OFFICE OF THOMAS P. MORLEY, THE INCUMBENT OF THE OFFICE OF TREE WARDEN OF THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of Thomas P. Morley, the incumbent of the office of tree warden in the town of Watertown, shall, on the effective date of this act, be unlimited and he shall hold office during good behavior unless incapacitated by physical or mental disability from performing the duties of tree warden and until the selectmen shall remove him therefrom in accordance with the provisions of chapter thirty-one of the General Laws, and the rules made thereunder, relative to removals from the classified public service. If said Thomas P. Morley shall cease to hold said office of tree warden the vacancy thereby created shall be filled by election by a vote of a majority of its selectmen, and said tree warden shall serve until the next regular town election, at which election a tree warden shall be elected as provided by law.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at the annual town meeting in the current year, or in the year nineteen hundred and fifty-nine, in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting:—“Shall Thomas P. Morley, the incumbent of the office of tree warden of the town of Watertown, be given life tenure?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.
Approved February 17, 1958.

CHAP. 90. AN ACT INCREASING THE NUMBER OF VOTING PRECINCTS INTO WHICH THE TOWN OF WEYMOUTH MAY BE DIVIDED.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 61 of the acts of 1921 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—Upon the acceptance of this act by the town of Weymouth as hereinafter provided the selectmen of the town may divide the territory thereof into not less than twelve nor more than eighteen voting precincts, each of which shall be plainly designated.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the town meeting members of said town present and voting thereon at an annual or special town meeting, but not otherwise.

Approved February 17, 1958.

CHAP. 91. AN ACT MAKING A CORRECTIVE CHANGE IN THE EXCISE TAX LAW ON REGISTERED MOTOR VEHICLES BY SUBSTITUTING THE "STATE TAX COMMISSION" FOR THE "COMMISSIONER".

Be it enacted, etc., as follows:

Section 2A of chapter 60A of the General Laws, as most recently amended by section 1 of chapter 339 of the acts of 1953, is hereby further amended by striking out, in lines 9 and 10, 17 and 21, the word "commissioner" and inserting in place thereof, in each instance, the words: — state tax commission.

Approved February 17, 1958.

CHAP. 92. AN ACT FURTHER IMPLEMENTING THE INTERSTATE COMPACT FOR THE SUPERVISION, CARE AND ASSISTANCE TO JUVENILES.

Be it enacted, etc., as follows:

Section 1 of chapter 687 of the acts of 1955 is hereby amended by inserting after *Article XV* the following Article: —

Article XVI. — Return of Juvenile Delinquents.

(a) All provisions and procedures of Articles V and VI of this compact shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law may be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of this compact shall be forwarded by the judge of the court in which the petition has been filed.

(b) This Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

Approved February 17, 1958.

CHAP. 93. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF WILLIAM P. WRIGHTSON, A FORMER EMPLOYEE OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Any provision of law to the contrary notwithstanding, the city of Worcester may reinstate William P. Wrightson as a member of the fire department of said city for the sole purpose of retirement

and in order to correct a mistake made at the time of his original retirement. Upon said reinstatement, the city of Worcester may retire said William P. Wrightson for disability caused by injuries sustained or hazards undergone in the actual performance of his duties as a member of said fire department. Said retirement shall be under the provisions of paragraph (a) of section eighty-one A of chapter thirty-two of the General Laws as if said provision had been in effect in said city on the date of the original retirement of said Wrightson but shall not be subject to section eighty-five F of said chapter thirty-two.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Worcester, subject to the provisions of its charter, but not otherwise.

Approved February 17, 1958.

CHAP. 94. AN ACT TO ABOLISH THE PLANNING BOARD IN THE TOWN OF WEST BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary the planning board of the town of West Brookfield is hereby abolished.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at the annual town meeting in the year nineteen hundred and fifty-eight in the form of the following question: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act to abolish the planning board in the town of West Brookfield', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 17, 1958.

CHAP. 95. AN ACT RELATIVE TO THE POSSESSION OF NARCOTIC DRUGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by striking out section 205, as appearing in section 1 of chapter 660 of the acts of 1957, and inserting in place thereof the following section: — *Section 205.* Whoever, not being a licensee under section one hundred and ninety-eight B, a pharmacist, a physician, a veterinarian, a dentist, a nurse acting under the direction of a physician, an employee of an incorporated hospital acting under the direction of its superintendent or official in immediate charge, or a common carrier or messenger when transporting any narcotic drug between persons mentioned in this section in the same package in which the drug was delivered to him for transportation, is in possession of any narcotic drug, other than heroin, except by reason of a prescription lawfully and properly issued, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than three and one-half years, or in a jail or house of correction for not more than two and one-half years.

SECTION 2. Said chapter 94 is hereby further amended by striking out section 212, as so appearing, and inserting in place thereof the following section: — *Section 212.* Whoever is in possession of heroin in any quantity or strength shall for the first offence be punished by a fine of

not less than five hundred nor more than five thousand dollars, or by imprisonment in a jail or house of correction for two and one-half years or by imprisonment for not more than five years in the state prison, and for a second or subsequent offence by imprisonment for not less than five nor more than fifteen years in the state prison.

Approved February 17, 1958.

CHAP. 96. AN ACT INCREASING THE LIMITS OF MORTGAGE LOANS BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 24 of chapter 170 of the General Laws is hereby amended by striking out subsection 4, as most recently amended by chapter 146 of the acts of 1955, and inserting in place thereof the following subsection:—

4. The principal sum of any loan secured by a mortgage on any one parcel of real estate shall when made, or the unpaid principal balance outstanding on any loan so secured shall when acquired, not exceed twenty-five thousand dollars; provided, that the aggregate amount of loans, as to each of which the unpaid balance of principal outstanding is more than twenty thousand dollars, shall not at any one time exceed five per cent of the deposits of the corporation; and, further provided, that loans over twenty thousand dollars and not exceeding twenty-five thousand dollars shall not exceed seventy per cent of the value of the mortgaged property as certified by the security committee.

Approved February 17, 1958.

CHAP. 97. AN ACT PROVIDING FOR THE BORROWING OF MONEY BY THE TOWN OF FALMOUTH FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying the necessary expenses and liabilities incurred or to be incurred by the town of Falmouth under authority of chapter two hundred and eighty-eight of the acts of nineteen hundred and twenty-eight and the amendments thereto, said town of Falmouth may borrow, from time to time, within two years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, seven hundred and fifty thousand dollars and may issue bonds or notes therefor, which shall bear on the face thereof the words, Falmouth Sewer Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be outside the statutory limit but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Any action taken by the town of Falmouth at its annual town meeting in the current year pursuant to authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1958.

CHAP. 98. AN ACT RELATIVE TO THE FILING OF PETITIONS REQUIRING THE SUBMISSION TO THE VOTERS AT LARGE OF THE TOWN OF LUDLOW OF QUESTIONS INVOLVED IN A VOTE PASSED AT A REPRESENTATIVE TOWN MEETING IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 336 of the acts of 1929 is hereby amended by striking out, in line 12, the words "two hundred" and inserting in place thereof the words: — six per cent of the, — so that the second sentence will read as follows: — If within said ten days a petition, signed by not less than six per cent of the registered voters of the town, containing their names and addresses, as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within fourteen days after the filing of the petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Ludlow at its annual town meeting in the current year, in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act relative to the filing of petitions requiring the submission to the voters at large of the town of Ludlow of questions involved in a vote passed at a representative town meeting in said town', be accepted?" If a majority of votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

SECTION 3. Any action taken by the town of Ludlow at its annual town meeting in the current year shall be as valid and effective as if this act were in effect at the time when the warrant for such annual meeting was posted.

Approved February 19, 1958.

CHAP. 99. AN ACT VALIDATING CERTAIN ACTION TAKEN AT THE ANNUAL TOWN MEETING OF THE TOWN OF MARSHFIELD HELD IN THE YEAR NINETEEN HUNDRED AND FIFTY-SEVEN.

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Marshfield in accepting the provisions of chapters three hundred and forty and three hundred and forty-one of the acts of nineteen hundred and fifty-seven at the annual town meeting held on March fourth, nineteen hundred and fifty-seven, and at any adjourned session thereof, and all acts done pursuant to such action, are hereby ratified, validated and confirmed in all respects, as though said chapters three hundred and forty and three hundred and forty-one had been in full force and effect at the time the warrant for said meeting was posted.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1958.

CHAP. 100. AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS IN CERTAIN STOCKS OF FIRE AND CASUALTY INSURANCE COMPANIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make possible forthwith the determination by the division of banks and loan agencies of the legality for investment by savings banks in certain stocks of fire insurance companies under the provisions herein contained, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 48 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out paragraph 1, and inserting in place thereof the following paragraph: —

1. *Kind of Business.* — In the period consisting of the five calendar years immediately preceding the date of investment not less than one-third of the net premiums written by such company and its subsidiaries shall have been in respect to risks involving loss of or damage to property belonging to or in the custody of the insured, which risks shall be deemed to be fire and allied risks. As used herein, the term “fire and allied risks” shall be deemed to include home-owners, commercial, and industrial multiple peril risks, boiler and machinery, glass, burglary and theft and fidelity risks. Net premiums written in the same period in respect to casualty risks shall not have exceeded those written in respect to fire and allied risks. The term “casualty risks” shall be deemed to include risks involving liability of the insured for injury or damage to the person or property of others, workmen’s compensation, accident and health, hospital and medical, surety and credit risks. Net premiums written in the same period in respect to life insurance shall not have exceeded those written in respect to fire and allied risks. Not more than one-third of the net premiums written in the same period shall have been in respect to liability of owners or operators of motor vehicles for personal injury or property damage. Not more than one-third of the net premiums written in the same period shall have been for the reinsurance of risks originally written by other insurance companies. If more than one-fifth of the net premiums written by the company and its subsidiaries in the same period shall have been life insurance premiums, the company or the subsidiary or subsidiaries writing such life insurance business shall have been authorized to conduct such business in this commonwealth and such authorization shall not have been revoked.

SECTION 2. Said section 48 of said chapter 168 is hereby further amended by striking out paragraphs 3, 4 and 5, as so appearing, and inserting in place thereof the three following paragraphs: —

3. *Large Company Requirement.* — At the end of the year immediately preceding the date of investment the total admitted assets of such company shall be not less than fifty million dollars, and it shall be one of the twenty-five largest companies which meet the provisions of paragraphs 1 and 5 and of which a majority of the stock is not owned by five or less stockholders.

4. *Operating Profit Ratio.* — Of the twenty-five companies or less referred to in paragraph 3, such company shall be one of the twelve having the highest average operating profit ratio for the five years immediately preceding the date of investment. The annual operating profit ratio of each of the five years preceding the date of investment shall be calculated by subtracting from one hundred per cent the ratio of loss and loss adjustment expense to net premiums earned and thereafter subtracting from the remainder the ratio of other operating expenses, excluding all income taxes, to net premiums written. The ratios of the five years immediately preceding the date of investment shall be averaged to obtain the measurement. The losses, expenses, premiums written and profits earned referred to above shall be the totals of such items for such company and all its fire and casualty insurance subsidiaries, except that, if less than ninety per cent of the capital stock of a subsidiary is owned by such company, the totals of said items for such subsidiary shall be included in the calculation only in proportion to the percentage of stock so owned.

5. *Capital Funds and Reserves.* — At the end of the year immediately preceding the date of investment, the combined total of capital stock, surplus and voluntary reserves of such company and its fire and casualty insurance subsidiaries shall be at least eighty per cent of the sum of all of the unearned premiums in respect to all fire and allied risks except automobile physical damage risks plus one-half of the unearned premiums in respect to accident and health and hospital and medical policies, policies covering liability of the insured for injury or damage to the person or property of others, workmen's compensation, surety, credit and automobile physical damage risks. As used in this paragraph the term "voluntary reserves" shall be construed to mean all sums allocated to reserve accounts in policyholders' surplus, and shall not be construed to include any reserve accounts classified as liabilities in the annual statements of fire insurance companies and their subsidiaries filed with the division of insurance of this commonwealth.

Approved February 21, 1958.

CHAP. 101. AN ACT AUTHORIZING THE TOWN OF GOSNOLD TO BORROW MONEY FOR MUNICIPAL WHARF PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting its share of the cost of constructing or reconstructing the municipal wharf, the town of Gosnold may borrow, from time to time, such sums of money as may be necessary, not exceeding, in the aggregate, ten thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Gosnold Wharf Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Any action taken by the town of Gosnold at a town meeting in the current year pursuant to authority contained in section

one of this act shall be valid and effective as though this act were in effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1958.

CHAP. 102. AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO USE CERTAIN FUNDS FOR THE PURPOSE OF EXTENDING AND IMPROVING ITS WATER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton may, for the purposes of extending and improving its water system, as provided by clauses (4), (5) and (6) of section 8 of chapter 44 of the General Laws, use such sums, not exceeding in the aggregate one hundred and sixty-nine thousand dollars from the unexpended balance of the amount borrowed under chapter five hundred and forty of the acts of nineteen hundred and fifty-three.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1958.

CHAP. 103. AN ACT TO AUTHORIZE THE TOWN OF ASHBURNHAM TO BORROW MONEY FOR THE PURCHASE, REMODELING AND EQUIPPING OF AN EXISTING STRUCTURE AND LAND FOR USE BY THE VARIOUS TOWN DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing an existing structure and the land on which it is situated, known as Wilson's Garage and located in the town of Ashburnham, and for remodeling and equipping the same for the use of the various town departments, the town of Ashburnham may borrow, from time to time, within a period of two years from the passage of this act, such sums as may be necessary not exceeding in the aggregate nineteen thousand dollars, and may issue bonds and notes therefor which shall bear on their face the words, Town of Ashburnham Public Works Building Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be in excess of any statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws; provided, however, that the limitation contained in the first paragraph of section seven of said chapter forty-four shall apply to any loan authorized by the provisions of this act.

SECTION 2. Any action taken by the town of Ashburnham at its annual town meeting in the current year pursuant to authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1958.

CHAP. 104. AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE
OFFICE OF MAYOR OF THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. If it shall appear, as a result of a municipal election in the city of Holyoke, that there is no choice of a mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur more than six months prior to the expiration of the term of office, the board of aldermen shall forthwith call meetings for a new election and shall order an election to fill the same for the unexpired term.

SECTION 2. If a vacancy in the office of mayor shall occur within six months prior to the expiration of the term of office the board of aldermen may in its discretion call meetings for the holding of a new election to fill the vacancy.

SECTION 3. So much of chapter four hundred and thirty-eight of the acts of eighteen hundred and ninety-six, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 4. This act shall take effect upon its acceptance during the current year by vote of the board of aldermen of said city, with the approval of the mayor.

SECTION 5. For the purpose of acceptance only this act shall take effect upon its passage.

Approved February 21, 1958.

CHAP. 105. AN ACT RELATIVE TO MERGERS AND CONSOLIDATIONS OF
CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 48 of chapter 170 of the General Laws, as appearing in section 1 of chapter 371 of the acts of 1950, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

Any merger or consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating corporations, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating corporations, and any consolidating corporation having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders.

Approved February 21, 1958.

CHAP. 106. AN ACT RELATIVE TO MERGERS AND CONSOLIDATIONS OF
SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 72 of chapter 168 of the General Laws is hereby further amended by striking out the last paragraph, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following paragraph: —

Any merger or consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate

value of the guaranty fund, surplus and unallocated reserves as defined in section fifty-seven, and other reserves, of any of the consolidating corporations, bears to its liabilities, exceeds such percentage of any of the other consolidating corporations, and any consolidating corporation having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its depositors.

Approved February 21, 1958.

CHAP. 107. AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO CONVEY A PORTION OF AMOSTOWN ROAD PLAYGROUND TO FRANK F. ZENDEK AND PAULINE M. ZENDEK.

Be it enacted, etc., as follows:

SECTION 1. The town of West Springfield is hereby authorized to sell and convey to Frank F. Zendek and Pauline M. Zendek, husband and wife, as tenants by the entirety, a portion of Amostown road playground, now under the jurisdiction of the park and recreation commission, bounded and described as follows: —

Beginning at a point in the westerly side of Amostown Road at the northeasterly corner of land of Frank F. Zendek and Pauline M. Zendek and thence running westerly in a course running N 73° 52' 30" W along the northerly line of said Zendek land Six Hundred Twenty-two and 10/100 (622.10) feet to a point at the northwesterly corner of said Zendek land; thence easterly in a course running S 74° 15' 05" E along other land of the Town of West Springfield Six Hundred Nineteen and 48/100 (619.48) feet to a point in the westerly side of said Amostown Road; thence southerly, along the westerly side of Amostown Road Five (5) feet to the point of beginning.

The above land is more particularly delineated on a plan entitled "Sketch of Proposed Transfer of Land from Park and Recreation Department to Frank F. Zendek and Pauline M. Zendek" dated October, nineteen hundred and fifty-seven and prepared by Town of West Springfield Engineering Department.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of said town present and voting at an annual or special town meeting called for the purpose.

Approved February 21, 1958.

CHAP. 108. AN ACT AUTHORIZING THE PLACING OF THE OFFICE OF THE DIRECTOR OF VETERANS' SERVICES OF THE CITY OF PEABODY UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of the director of veterans' services of the city of Peabody, also known in said city as the office of commissioner of veterans' services, shall, upon the effective date of this act, become subject to the civil service laws and rules, and the tenure of office of the present incumbent thereof shall be unlimited, subject, however, to such laws; provided, that he shall pass a qualifying examination, to which he shall be subjected by the division of civil service.

SECTION 2. This act shall take effect upon its acceptance by the mayor and city council of the city of Peabody, subject to the provisions of its charter, but not otherwise.

Approved February 21, 1958.

CHAP. 109. AN ACT RELATIVE TO LOST PASS BOOKS.

Be it enacted, etc., as follows:

Section 20 of chapter 167 of the General Laws, as most recently amended by chapter 22 of the acts of 1943, is hereby further amended by adding at the end the following paragraph: —

The provisions of this section shall not apply to a pass book when the amount on deposit is less than twenty-five dollars, provided that the depositor or shareholder agrees in writing to indemnify the bank for any expense or payment arising out of such loss, and all payments made hereunder shall discharge the bank of liability to all persons to the extent of such payment.

Approved February 21, 1958.

CHAP. 110. AN ACT RELATIVE TO THE OBSERVANCE OF COLUMBUS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12U, inserted by chapter 618 of the acts of 1956, the following section: — *Section 12V.* The governor shall annually issue a proclamation setting apart October twelfth as Columbus Day and recommending that it be observed by the people, with appropriate exercises in the schools and otherwise, to the end that the memory of the courage, perseverance and spiritual fervor of Christopher Columbus, discoverer of America, may be perpetuated.

Approved February 21, 1958.

CHAP. 111. AN ACT PROVIDING FOR THE TERMINATION OF MEMBERSHIP ON WARD AND TOWN COMMITTEES DUE TO CANCELLATION OR CHANGE IN PARTY ENROLMENT.

Be it enacted, etc., as follows:

Chapter 52 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 138 of the acts of 1955, and inserting in place thereof the following section: — *Section 2.* Each political party shall, in every ward and town, elect at the presidential primaries from among the enrolled members of the party resident in such ward or town a committee to be called a ward or town committee, whose members shall hold office for four years from May fifteenth following their election and until their successors shall have organized. If any member changes his residence from the ward or town in which he was elected during the said four years, he shall cease to be a member at the end of the calendar year during which said residence is changed. If any member, whether elected or chosen to fill a vacancy, cancels or changes his party enrolment he shall forthwith cease to be a member of said committee.

Approved February 21, 1958.

- CHAP. 112. AN ACT AUTHORIZING THE TOWN OF WENHAM TO LEASE A PORTION OF A BUILDING TO BE CONSTRUCTED BY SAID TOWN ON TOWN-OWNED LAND TO THE FEDERAL GOVERNMENT FOR A POST OFFICE.

Be it enacted, etc., as follows:

The town of Wenham is hereby authorized to lease a certain portion of a library building to be constructed by said town upon land owned by it to the United States government for a post office for a term of not more than twenty-five years.

Approved February 24, 1958.

- CHAP. 113. AN ACT PROVIDING THAT CERTAIN PERSONS HELD IN CUSTODY AT A POLICE STATION OR OTHER PLACE OF DETENTION SHALL BE PERMITTED TO USE THE TELEPHONE WITHIN ONE HOUR AFTER BEING BOOKED.

Be it enacted, etc., as follows:

Section 33A of chapter 276 of the General Laws, as amended by chapter 277 of the acts of 1946, is hereby further amended by adding at the end the following sentence: — Any such person shall be informed of his right to so use the telephone immediately upon being booked, and such use shall be permitted within one hour thereafter.

Approved February 24, 1958.

- CHAP. 114. AN ACT PROVIDING FOR THE ISSUANCE OF SINGLE LIFE INSURANCE POLICIES ON THE LIVES OF TWO OR MORE MEMBERS OF A FAMILY WITHOUT THE SIGNATURES OF THE PERSONS TO BE INSURED.

Be it enacted, etc., as follows:

Section 123 of chapter 175 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 14 of the acts of 1952, and inserting in place thereof the following paragraph: — No life company shall issue any policy of life or endowment insurance in this commonwealth except upon a written application therefor signed or assented to in writing by the person to be insured; provided, that such a company may issue a policy on the life of a minor under the age of fifteen on an application signed by the parent, guardian or other person having legal custody of such minor; and provided, further, that such a company may issue a single policy on the lives of any two or more members of a family on an application signed by either parent, a step-parent, or by a husband or wife. For the purposes of this paragraph members of a family shall mean husband, wife, children, adopted children, or stepchildren.

Approved February 24, 1958.

CHAP. 115. AN ACT PROVIDING THAT FUNDS RECEIVED BY THE CITY OF MEDFORD FROM THE COMMONWEALTH ON ACCOUNT OF THE TAKING OF GILLIS MEMORIAL STADIUM SHALL BE USED SOLELY FOR THE CONSTRUCTION OF A NEW STADIUM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, all funds received by the city of Medford from the commonwealth on account of the taking of Gillis Memorial Stadium shall be used by said city solely for the construction of a new stadium at a suitable site in said city.

SECTION 2. This act shall take effect upon its acceptance by vote of the city council of the city of Medford, subject to the provisions of its charter, but not otherwise.

Approved February 24, 1958.

CHAP. 116. AN ACT FURTHER REGULATING THE TIME DURING WHICH DOG RACING MEETINGS MAY BE HELD.

Be it enacted, etc., as follows:

Section 3 of chapter 128A of the General Laws is hereby amended by striking out clause (e), as amended by section 1 of chapter 505 of the acts of 1939, and inserting in place thereof the following paragraph: —

(e) Such dog racing meetings may be held only between the eighteenth day of April and the thirty-first day of October, both dates inclusive, in any year.

Approved February 24, 1958.

CHAP. 117. AN ACT PERMITTING SAVINGS AND INSURANCE BANKS TO ISSUE PAYOR INSURANCE, BUT WITHOUT OTHERWISE INCREASING THE AMOUNT OF INSURANCE WHICH SUCH A BANK MAY ISSUE ON ONE LIFE OR THE AGGREGATE AMOUNT WHICH SUCH BANKS MAY ISSUE ON ONE LIFE.

Be it enacted, etc., as follows:

Chapter 178 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 264 of the acts of 1951, and inserting in place thereof the following section: — *Section 10.* No savings and insurance bank shall write any policy or annuity contract binding it to pay more than five thousand dollars, exclusive of dividends or profits, upon the death of any one person, except under such agreement as it may make to pay an amount equal to a cash surrender value which may exceed five thousand dollars and except under such agreement as it may make that upon the death of the payor of the premiums under any policy issued by the bank on the life of a minor or on the life of a husband, wife or child of such payor, it will make such policy paid up or waive certain or all future premiums thereunder, and except for such amount, if any, as it may be bound to pay upon the death of such person under an employees' group policy, or under an annuity contract embodying an agreement to refund, upon the death of the holder, to his estate or to a specified payee, a sum not exceeding the premiums paid thereon with compound interest, nor shall it write any annuity contract otherwise binding it to pay in any one year more than

two hundred dollars, exclusive of dividends or profits. The aggregate amount of savings bank life insurance which may be issued or in force at any time on any one life, in all savings and insurance banks, shall not exceed an aggregate amount which would be equal to one thousand dollars in each savings and insurance bank, exclusive of group insurance, payor insurance, dividends and profits.

Approved February 25, 1958.

CHAP. 118. AN ACT RELATIVE TO THE OBSERVANCE OF VETERANS DAY.

Be it enacted, etc., as follows:

SECTION 1. Clause 46A of section 5 of chapter 40 of the General Laws, inserted by chapter 152 of the acts of 1956, is hereby amended by striking out, in line 2, the words "Veterans Day", — so as to read as follows: — (46A) For the proper observance of United Nations Day, or any other day that the governor may by proclamation from time to time designate as a day of municipal observance, to an amount not exceeding five hundred dollars annually.

SECTION 2. Clause 12 of said section 5 of chapter 40 of the General Laws, as most recently amended by chapter 211 of the acts of 1956, is hereby amended by inserting after the word "Day" in line 16, the words: — , Veterans Day, — so as to read as follows: — (12) For erecting headstones or other monuments at the graves of persons who served in the war of the revolution, the war of eighteen hundred and twelve, the Seminole war, the Mexican war, the war of the rebellion or the Indian wars or who served in the military or naval service of the United States in the Spanish American war or in World war I or in World war II or during the Korean emergency, or who served in the military service of the commonwealth in time of war; for acquiring land by purchase or by eminent domain under chapter seventy-nine, purchasing, erecting, equipping or dedicating buildings, or constructing or dedicating other suitable memorials, for the purpose of properly commemorating the services and sacrifices of persons who served as aforesaid; for the decoration of the graves, monuments or other memorials of persons who served as aforesaid and the proper observance of Memorial Day, Veterans Day and other patriotic holidays under the auspices of the following: — local posts of the Grand Army of the Republic, United Spanish War Veterans, The American Legion, Veterans of Foreign Wars of the United States and Jewish War Veterans of the United States, and of the American Veterans of World War II, AMVETS — Department of Massachusetts, and of the Seabee Veterans of America, Inc. — Department of Massachusetts, and of the Franco-American War Veterans, Inc., and of the Italian-American World War Veterans of the United States, Inc., and of the American Portuguese War Veterans Association, local chapters of the Disabled American Veterans of the World War and of the American Veterans' Committee, Inc., local units of the Massachusetts State Guard Veterans, Kearsarge Association of Naval Veterans, Inc., local garrisons of the Army and Navy Union of the United States of America, local chapters of the Massachusetts Society of the Sons of the American Revolution, local chapters of the Massachusetts Daughters of the American Revolution,

local detachments of the Marine Corps League, local clubs of the Yankee Division Veterans Association, local camps or other duly organized units of the Sons of Union Veterans of the Civil War or local tents of The Daughters of Union Veterans of the Civil War or local chapters of American Gold Star Mothers, Inc., or local chapters of the Military Order of the Purple Heart, the Fleet Reserve Association, United States Navy, and The Society of the War of 1812 in the Commonwealth of Massachusetts (Incorporated), and the Polish-American Veterans of Massachusetts, Inc., and its affiliated posts; or for keeping in repair graves, monuments, statuary, honor rolls or other memorials erected to the memory of such persons or of the firemen and policemen of the town who died from injuries received in the performance of their duties in the fire or police service or for decorating the graves of such firemen and policemen or for other memorial observances in their honor. Money appropriated in honor of such firemen may be paid over to, and expended for such purposes by, any veteran firemen's association or similar organization.

Approved February 25, 1958.

CHAP. 119. AN ACT AUTHORIZING LOCAL SCHOOL COMMITTEES AND REGIONAL DISTRICT SCHOOL COMMITTEES TO ACCEPT AND DISBURSE GRANTS OR GIFTS FOR EDUCATIONAL PURPOSES FROM CHARITABLE FOUNDATIONS AND PRIVATE CORPORATIONS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 37 the following section: — *Section 37A.* School committees of cities and towns and regional district school committees may accept grants or gifts for educational purposes from charitable foundations and private corporations and disburse the same for such purposes. Any amounts so received by a school committee of a city or town shall be deposited with the treasurer of such city or town and held as a separate account, and expended by said school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four. Any amounts so received by a regional district school committee shall be deposited with the treasurer of such regional school district and held as a separate account and expended by said committee.

Approved February 25, 1958.

CHAP. 120. AN ACT REQUIRING THAT NOTICE BE GIVEN TO CERTAIN PERSONS UPON A PETITION FOR THE APPOINTMENT OF GUARDIANS FOR MINORS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 201 of the General Laws is hereby amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 2.* If a minor is under fourteen the probate court may nominate and appoint his guardian. If he is above that age he may nominate his own guardian, who, if approved by the court, shall be appointed accordingly. Such nomination may be made before a justice of the peace, notary public

or city or town clerk within the commonwealth who shall certify the fact to the probate court. Upon the filing of a petition for the appointment of a guardian under this section, the court shall appoint a time and place for a hearing, and shall cause not less than seven days' notice thereof to be given to the mother and father of said minor, if living, unless they have assented to the filing of said petition; otherwise notice shall be given to the nearest relatives of full age, and if there are no known relatives within the commonwealth notice shall be given by publication as directed by the court. If the person nominated is not approved by the court, or if the minor resides out of the commonwealth, or if the minor after being cited neglects to nominate a suitable person, the court may nominate and appoint his guardian in the same manner as if he were under fourteen. If the minor is a married woman no guardian shall be appointed without such notice to her husband as the court may order. In the matter of said appointment and all subsequent proceedings relating thereto, the United States veterans' bureau or its successor shall be deemed to be a party in interest and shall receive such notice as the court may order, if the ward or proposed ward is entitled to any benefit, estate or income paid or payable by or through said bureau or its successor.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved February 26, 1958.

CHAP. 121. AN ACT EXTENDING THE DEFINITION OF THE WORD "CHILD" TO INCLUDE AN ADOPTED CHILD IN CERTAIN INSTRUMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 210 of the General Laws is hereby amended by striking out section 8, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 8.* The word "child", or its equivalent, in a grant, trust settlement, entail, devise or bequest shall include an adopted child to the same extent as if born to the adopting parent or parents in lawful wedlock unless the contrary plainly appears by the terms of the instrument.

SECTION 2. The provisions of section eight of chapter two hundred and ten of the General Laws, as amended by section one of this act, shall be applicable only to grants, trust settlements, entails, devises or bequests executed after the effective date of this act.

SECTION 3. This act shall take effect six months after its passage.

Approved February 26, 1958.

CHAP. 122. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND FIFTY-EIGHT, SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS FOR THE STATE AIRPORT MANAGEMENT BOARD, THE PORT OF BOSTON COMMISSION, THE NEW BEDFORD STATE PIER AND FOR DEBT SERVICE.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain appropriations previously made for the state airport management board, the port of Boston commission, the New Bedford state pier and for debt service,

the sums set forth in section two of this act are hereby appropriated from the General Fund for the fiscal year ending June thirtieth, nineteen hundred and fifty-eight, to be in addition to amounts previously appropriated for said purposes, subject to the provisions of law regulating the disbursement of public funds and the approval thereof and the conditions pertaining to said items in chapters four hundred and eighty-three and seven hundred and forty-three of the acts of nineteen hundred and fifty-seven.

SECTION 2.

STATE PURPOSES APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Boards and Commissions serving under Governor and Council.

State Airport Management Board.

Item		
0492-01	For the service of the state airport management board, including not more than eight permanent positions.	\$20,875 00
0493-01	For the operation of the Logan airport, including not more than one hundred and thirty-two permanent positions	294,533 00
0494-01	For the operation of the Hanscom field, including not more than eight permanent positions	18,875 00
Total		\$334,283 00

Service of the Port of Boston Commission.

0496-01	For expenses of administration, including not more than thirty-nine permanent positions; provided, that no compensation or expenses of consultants for legal services shall be chargeable to this item	\$90,220 00
0496-02	For the operation and maintenance of property under the control of the commission, including not more than fifty-four permanent positions	74,900 00
0496-03	For expenses of making investigations and presenting the commonwealth's case in connection with differential freight rates, prior appropriation continued	20,000 00
Total		\$185,120 00

Service of the Department of Public Works.

Division of Waterways.

2202-07	For the operation and maintenance of the New Bedford state pier, including not more than three permanent positions	\$4,500 00
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DEBT SERVICE APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Interest and Redemption of Debt.

2410-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amount appropriated in item 2951-00, prior appropriation continued	\$249,224 00
2420-00	For certain serial bonds maturing, to be in addition to the amount appropriated in item 2952-00, prior appropriation continued; provided, that to reimburse the General Fund for the cost of debt service on account of highway expenditures made in accordance with the provisions of chapter six hundred and eighty-nine of the acts of nineteen hundred and fifty-four, as amended, the comptroller shall transfer to the General Fund the sum of two hundred and forty-six thousand two hundred dollars from the Highway Fund	1,644,000 00

Total, Interest and Redemption of Debt \$1,893,224 00

SECTION 3. Section 14 of chapter 743 of the acts of 1957 is hereby amended by inserting after the word "nineteen", in line 5, the following: — and nineteen A.

SECTION 4. This act shall take effect upon its passage.

Approved February 27, 1958.

CHAP. 123. AN ACT RELATIVE TO THE CONSTRUCTION, EXTENSION AND MAINTENANCE OF CERTAIN STRUCTURES BRIDGING GILLETTE PARK IN THE SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. At any time within five years after the effective date of this act, upon petition and after seven days' notice published in at least three newspapers published in the city of Boston, and a public hearing thereon, the public improvement commission of said city may, with the approval of the mayor, grant and issue a permit to The Gillette Company, a corporation duly established and existing under the laws of Delaware, and its successors and assigns, to construct and, on such conditions and subject to such restrictions as said commission may prescribe, permanently to maintain a structure bridging a portion of the public way in said Boston known as Gillette Park at a place where said corporation owns the land with the buildings thereon on opposite sides of said public way, for the purpose of connecting said buildings.

SECTION 2. At any time within ten years after the effective date of this act, upon petition and after seven days' notice published in at least three newspapers published in said city, and a public hearing thereon, said commission may, with the approval of the mayor, grant and issue a permit to said corporation and its successors and assigns, to construct and, on such conditions and subject to such restrictions as said commission may prescribe, permanently to maintain another structure bridging a portion of said public way at a place where said corporation owns the land with the buildings thereon on opposite sides of said public way, for the purpose of connecting said buildings.

SECTION 3. At any time and from time to time after the effective date of this act, upon petition and after seven days' notice published in at least three newspapers published in said city, and a public hearing thereon, said commission may, with the approval of the mayor, grant and issue a permit to said corporation or a successor or assignee thereof to extend and enlarge a structure constructed under a permit issued under section one or section two or both said structures and, on such conditions and subject to such restrictions as said commission may prescribe, permanently to maintain such structure or structures as so extended and enlarged.

SECTION 4. No structure bridging said public way under a permit issued under section one or section two, nor any extension or enlargement thereof under a permit issued under section three shall be constructed or maintained at a height less than twenty-two and one-half feet above the grade line of said public way as existing on the effective date of this act; no part of any such structure, extension or enlargement or its supports shall rest upon the surface of said public way; and no such structure, extension or enlargement shall be constructed

or maintained over any portion of said public way not owned in fee by said corporation without the written consent of the owner of such portion in each instance. Such consent of said city may be given by said commission with the approval of the mayor.

SECTION 5. This act shall take effect upon its passage.

Approved February 28, 1958.

CHAP. 124. AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE CO-OPERATIVE OR COMPLEMENTARY FACILITIES TO MENTAL HEALTH OUT-PATIENT CLINICS AND TO APPROPRIATE MONEY THEREFOR AND FOR PAYMENT FOR SERVICES RENDERED BY SUCH CLINICS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith cities and towns to provide co-operative or complementary facilities to out-patient clinics established or to be established in accordance with the provisions of chapter one hundred and twenty-three of the General Laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by inserting after clause (40B), inserted by section 1 of chapter 247 of the acts of 1952, the following clause: —

(40C) For providing co-operative or complementary facilities to out-patient clinics established or to be established in accordance with the provisions of chapter one hundred and twenty-three, in co-operation with the department of mental health and other agencies collaborating with said department and for providing payment for services rendered or to be rendered by such public or private agencies. Monies so appropriated may be expended under the direction of the school committee or board of health, or under their joint direction.

Approved February 28, 1958.

CHAP. 125. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF MASSACHUSETTS ART WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15C, inserted by chapter 44 of the acts of 1957, the following section: — *Section 15D.* The governor shall annually issue a proclamation setting apart the last week of May as Massachusetts Art Week, and recommending that it be observed by the display of works of art and appropriate exhibitions and ceremonies in museums, public and private schools, libraries and elsewhere, in recognition of the great cultural tradition of the commonwealth.

Approved February 28, 1958.

CHAP. 126. AN ACT RELATING TO THE POWERS, ORGANIZATION AND ADMINISTRATION OF THE TRUSTEES OF THE EPISCOPAL THEOLOGICAL SCHOOL AND AUTHORIZING SAID TRUSTEES TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 333 of the acts of 1867 is hereby amended by striking out, in lines 9 and 10, the words "young men for the ministry of the Protestant Episcopal church," and inserting in place thereof the words: — candidates for positions of leadership in the Protestant Episcopal church and for the ministry thereof, — so as to read as follows: — *Section 1.* Edward S. Rand, Robert C. Winthrop, J. P. Putnam, Amos A. Lawrence, James S. Amory, their associates and successors, are hereby made a corporation by the name of the Trustees of the Episcopal Theological School, with power to establish and maintain in or near the city of Cambridge, a seminary or institution with such preparatory schools as they may think fit for the promotion of learning and piety, instruction in biblical science and literature, and for the education of candidates for positions of leadership in the Protestant Episcopal church and for the ministry thereof, with power to confer theological degrees. And said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes, and all general laws which now are or may hereafter be in force, so far as applicable to corporations established for literary or charitable purposes.

SECTION 2. Said chapter 333 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 141 of the acts of 1922, and inserting in place thereof the following section: — *Section 2.* The number of trustees, not to exceed thirty, of said corporation, the manner of electing them, their terms of office, and their powers and duties shall be as from time to time fixed by, or in the manner prescribed by, the by-laws.

SECTION 3. Section 2 of chapter 141 of the acts of 1922, as amended by chapter 257 of the acts of 1928, is hereby further amended by striking out, in line 3, the word "five" and inserting in place thereof the word: — fifteen, — and by inserting after the word "incorporation", in line 4, the words: — , as amended, — so as to read as follows: — *Section 2.* The Trustees of the Episcopal Theological School at Cambridge are hereby authorized to hold real and personal estate to the amount of fifteen million dollars for the purposes named in their act of incorporation, as amended; and no gift, devise, bequest or conveyance of real or personal estate heretofore made to said corporation shall be invalid by reason of the limit heretofore imposed by law upon the amount of such estate allowed to be held by it.

Approved February 28, 1958.

CHAP. 127. AN ACT ESTABLISHING A LUNCH PERIOD FOR PUBLIC SCHOOL TEACHERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 71 of the General Laws is hereby amended by adding at the end the following section: — *Section 80.* Every teacher employed in any public school whose duties commence prior to twelve

o'clock noon, shall be allowed a thirty-minute lunch period between the hours of ten o'clock in the forenoon and one o'clock in the afternoon, and shall not be required to perform any duties during said lunch period.

SECTION 2. Nothing in this act shall be construed so as to reduce any lunch period in effect on the effective date hereof which is longer in duration than thirty minutes.

Approved February 28, 1958.

CHAP. 128. AN ACT PROVIDING THAT PENSIONS FOR WIDOWS OF POLICEMEN AND FIRE FIGHTERS UNDER THE NON-CONTRIBUTORY RETIREMENT LAW BE EXTENDED TO WIDOWS OF POLICEMEN AND FIRE FIGHTERS WHO HAVE SERVED CONTINUOUSLY IN A CITY OR TOWN FOR NOT LESS THAN TWENTY YEARS.

Be it enacted, etc., as follows:

The second paragraph of section 85J of chapter 32 of the General Laws, as amended by chapter 583 of the acts of 1957, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — If a policeman or fire fighter who has served continuously for not less than twenty years in any city or town where he would be eligible for retirement under the provisions of sections eighty to eighty-five, inclusive, dies before being retired, his widow shall receive two thirds of the yearly amount of said option B allowance to which such policeman or fire fighter would have been entitled had he attained age sixty, and had his retirement taken place on the date of his death.

Approved February 28, 1958.

CHAP. 129. AN ACT PERMITTING REGIONAL SCHOOL DISTRICTS TO APPOINT AN ASSISTANT TREASURER.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 16A, inserted by section 1 of chapter 638 of the acts of 1949, and inserting in place thereof the following section: — *Section 16A.* The powers, duties and liabilities of a regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer who may be the same person, but who need not be members of said committee. The treasurer shall receive and take charge of all money belonging to the district, and shall pay any bill of the district which shall have been approved by the committee. The committee may appoint an assistant treasurer who need not be a member of the committee, and who shall, in the absence of the treasurer, perform his duties and shall have the powers and be subject to the requirements and penalties applicable to him. The treasurer and assistant treasurer may, by vote of said committee, be compensated for their services. The treasurer and assistant treasurer of said district shall be subject to the provisions of sections thirty-five, fifty-two and one hundred and nine A of chapter forty-one, to the extent applicable.

Approved February 28, 1958.

CHAP. 130. AN ACT INCREASING THE TIME FOR GIVING NOTICE TO TELEPHONE, TELEGRAPH AND ELECTRIC COMPANIES RELATIVE TO THE CUTTING, DISCONNECTION OR REMOVAL OF WIRES IN CERTAIN CASES.

Be it enacted, etc., as follows:

Chapter 166 of the General Laws is hereby amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 39.* Whenever, in order to move a building or for any other necessary purpose, a person desires that the wires of any such company be cut, disconnected or removed, the company shall forthwith cut, disconnect or remove the same, if the person desiring this to be done has first left a written statement, signed by him, of the time when, and the place, described by reference to the crossings of streets or highways, where he wishes to remove said wires, at the office of the company in the city or town where such place is situated, seven days before the time so stated, or, if there is no such office, if he has deposited such statement in the post office, postage prepaid, and directed to the company at its office nearest to said place, ten days before the time mentioned in said statement. If the company neglects or refuses to cut, disconnect or remove wires, as hereinbefore provided, the inspector of wires, or the selectmen of a town having no such inspector, may cause the same to be cut, disconnected or removed, and the city or town may recover of the company in contract the expense of so doing.

Approved February 28, 1958.

CHAP. 131. AN ACT FURTHER REGULATING INVESTMENTS BY SAVINGS BANKS IN CERTAIN INSURED OR GUARANTEED MORTGAGES.

Be it enacted, etc., as follows:

Paragraph 3 of section 34 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Not more than seventy per cent of the total deposits of such corporation shall be invested in mortgages of real estate; provided, that in addition to such seventy per cent an amount equivalent to ten per cent of the total deposits of such corporation may be invested in insured or guaranteed mortgages, or both, referred to in paragraph 11 of section thirty-five, section fifty-one of chapter one hundred and sixty-seven, and chapter forty-six of the acts of nineteen hundred and forty-five, as amended, and in regulations thereunder.

Approved February 28, 1958.

CHAP. 132. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO EXTEND THE TIME FOR PAYMENT OF BETTERMENT ASSESSMENTS ON VACANT LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the board of public works of the town of Stoneham may extend the time for payment of a betterment assessment levied against vacant

land until said land is built upon or is sold, or for any fixed period which said board may determine. Said board may determine whether or not interest is to be chargeable during such extension; provided, however, that such interest shall not exceed the rate of four per cent per annum from the time that said assessment was made. Any extension granted, if without interest, shall not exceed three years; provided, however, that said board may grant successive extensions. The assessment shall be paid within three months after such land is built upon or is sold, or at the expiration of any fixed extension.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of said town voting thereon at an annual or special town meeting called for the purpose.

Approved February 28, 1958.

CHAP. 133. AN ACT AUTHORIZING CREDIT UNIONS TO MAKE SIMULTANEOUS LOANS TO MEMBERS.

Be it enacted, etc., as follows:

Subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out lines 4 to 7, inclusive, as appearing in chapter 117 of the acts of 1951, and inserting in place thereof the following: — The maximum amount of credit to be extended to a member in excess of the shares and deposits of the maker, and co-maker if any, pledged to secure the same, shall be limited as follows, except that where a loan is secured by satisfactory collateral additional credit may be extended under the provisions of paragraphs 1, 2 or 3 provided that such additional loan or loans shall not in the aggregate exceed five hundred dollars at any one time: —.

Approved February 28, 1958.

CHAP. 134. AN ACT RELATIVE TO DEPOSITS IN A SAVINGS BANK BY THE DEPOSIT INSURANCE FUND OF THE MUTUAL SAVINGS CENTRAL FUND, INC.

Be it enacted, etc., as follows:

The first paragraph of section 3A of chapter 43 of the acts of 1934 is hereby amended by inserting after the word "agreement", in line 55, as appearing in section 1 of chapter 125 of the acts of 1938, the words: — ; (e) make a deposit in such bank of such amount as the directors deem advisable which deposit shall not be subject to limits imposed by section twenty-one of chapter one hundred and sixty-eight of the General Laws or by the by-laws of the bank, and which may or may not be a subordinated deposit and may or may not be in accordance with an agreement that dividends thereon will be at a lower rate than is paid to other depositors.

Approved February 28, 1958.

CHAP. 135. AN ACT PROVIDING THAT THE REQUIRED RESERVE OF TRUST COMPANIES MAY CONSIST IN PART OF BALANCES DUE FROM CERTAIN TRUST COMPANIES INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Be it enacted, etc., as follows:

Chapter 172 of the General Laws is hereby amended by striking out section 74, as amended by section 28 of chapter 349 of the acts of 1934, and inserting in place thereof the following section:— *Section 74.* Not less than one fifth of the required reserve shall consist of lawful money of the United States, silver certificates, or notes and bills issued by any lawfully organized national banking association or federal reserve bank. The remainder, if any, shall consist of balances payable on demand due from any member of the federal reserve system or from any trust company insured by the Federal Deposit Insurance Corporation, located in this commonwealth, in a reserve city in the second, third or fourth federal reserve district or in a central reserve city, as designated by or under authority of act of congress, or from any trust company authorized to act as reserve agent as provided in the following section, and/or bonds, notes, bills and certificates of indebtedness of the United States, or of this commonwealth, computed at their fair market value, which are the absolute property and under the control of such corporation; provided, that not more than two fifths of the minimum reserve required shall consist of such bonds, notes, bills and certificates of indebtedness.

Approved February 28, 1958.

CHAP. 136. AN ACT MAKING CERTAIN EMPLOYEES OF REDEVELOPMENT AUTHORITIES IN CITIES AND TOWNS ELIGIBLE FOR CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain employees of redevelopment authorities eligible for contributory group general or blanket insurance without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32B of the General Laws is hereby amended by striking out section 13, as appearing in section 1 of chapter 730 of the acts of 1956, and inserting in place thereof the following section:— *Section 13.* Upon acceptance of the provisions of this chapter by vote of a local housing authority or a local redevelopment authority, the employees of any such authority shall be eligible in all respects to the benefits of this chapter in the same manner as the employees of the city or town or county where any such authority exists, and shall be considered eligible for coverage in the city or town or county group for the purpose of securing such coverage, and any such authority is hereby authorized to pay out of the funds of any such authority that portion of the premiums required to be contributed by the governmental unit under the provisions of this chapter.

As provided in paragraph (a) of section seven there shall be withheld from each payment of salary, wages or other compensation of each employee of any such authority who is covered under this chapter

fifty per cent of the premium for the insurance of the employee and his dependents, and any such authority shall contribute the remaining fifty per cent of such premium.

SECTION 2. Section 2 of said chapter 32B is hereby amended by striking out paragraph (g), as so appearing, and inserting in place thereof the following paragraph: —

(g) "Political subdivision", any county, city, town, district, local housing authority or local redevelopment authority.

Approved February 28, 1958.

CHAP. 137. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO APPOINT A SPECIAL COMMITTEE TO ARRANGE FOR A CELEBRATION COMMEMORATING THE THREE HUNDREDTH ANNIVERSARY OF THE SETTLEMENT OF THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Nantucket are hereby authorized to appoint a committee, consisting of not less than five members, who shall be residents of said town, to devise ways and means of observing the three hundredth anniversary of the settlement of the town of Nantucket and to handle all arrangements in connection with the celebration thereof, and to designate one of said members as treasurer of said committee. Said treasurer shall give bond for the faithful performance of his duties in such form and in such amount as the selectmen may determine. The committee shall elect from its membership a chairman and a secretary. Said committee may expend for the aforesaid purposes such sums as it deems necessary, including the expenses for stationery, advertising and stenographic services. The members of said committee shall receive no compensation for their services.

SECTION 2. For the purposes of this act, the town of Nantucket may appropriate such sums as it may determine.

SECTION 3. All monies received by said committee, whether from appropriation, receipts, contributions, or other sources, shall be held by it in a separate fund, which shall be used as a revolving fund until said celebration has been accomplished, whereupon the money, if any, remaining in said fund, after payment of all necessary expenses incurred in connection with said celebration, shall be turned over to the town treasurer.

SECTION 4. This act shall take effect upon its acceptance by the voters of the town of Nantucket at an annual or special town meeting during the current year.

Approved February 28, 1958.

CHAP. 138. AN ACT EXTENDING THE JURISDICTION OF DISTRICT COURTS TO INCLUDE CRIMINAL CONSPIRACIES.

Be it enacted, etc., as follows:

Section 26 of chapter 218 of the General Laws, as most recently amended by section 1 of chapter 365 of the acts of 1938, is hereby further amended by striking out, in line 7, the words "conspiracies and", — so as to read as follows: — *Section 26.* District courts shall

have original jurisdiction, concurrent with the superior court, of the following offences committed within their respective districts or otherwise made punishable therein: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes mentioned in sections eighteen and nineteen of chapter two hundred and sixty-six, and the crimes of forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged, if in either case the sum of money or the value of the property named in such note or order does not exceed fifty dollars.

Approved March 3, 1958.

CHAP. 139. AN ACT INCREASING THE NUMBER OF THE TRUSTEES OF THE CUSHING ACADEMY.

Be it enacted etc., as follows:

Section 7 of chapter 265 of the acts of 1865, as amended by chapter 193 of the acts of 1941, is hereby further amended by striking out, in lines 2 and 3, the words "ten nor more than twenty" and inserting in place thereof the words: — fifteen nor more than thirty, — so as to read as follows: — *Section 7.* The number of trustees shall be not less than fifteen nor more than thirty, five of whom shall be a quorum for the transaction of business except in the election or removal of trustees, when eight members present and voting shall be necessary; and the said Amasa Norcross is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of the said trustees and to notify them thereof.

Approved March 3, 1958.

CHAP. 140. AN ACT REPEALING CERTAIN OBSOLETE PROVISIONS OF LAW RELATIVE TO THE OBSERVANCE OF CERTAIN HOLIDAYS.

Be it enacted, etc., as follows:

Section 7 of chapter 4 of the General Laws is hereby amended by striking out clause Eighteenth, as most recently amended by section 2 of chapter 281 of the acts of 1956, and inserting in place thereof the following clause: —

Eighteenth, "Legal holiday" shall include January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving day and Christmas day, or the day following when any of the five days first mentioned, October twelfth, November eleventh, or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to May thirtieth and November eleventh between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when May thirtieth or November eleventh occurs on Sunday, except that on May thirtieth, or on the day following when May thirtieth occurs on Sunday, florist shops may be kept open all of said day, and except that on November eleventh, or

on the day following when November eleventh occurs on Sunday, hunting during said hours, if otherwise lawful, shall not be prohibited; and all laws, statutes, orders, decrees, rules and regulations regulating the keeping open of retail stores on the Lord's day shall be applicable to the keeping open of retail stores on October twelfth between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when October twelfth occurs on Sunday. "Legal holiday" shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when March seventeenth or June seventeenth occurs on Sunday, and the public offices of the cities of Boston, Chelsea and Revere, the town of Winthrop and the county of Suffolk shall be closed on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices of the commonwealth within the county of Suffolk shall close at twelve o'clock noon on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices in said county shall be closed on said June seventeenth or the day following when June seventeenth occurs on Sunday; provided, that the words "legal holiday" as used in section forty-five of chapter one hundred and forty-nine, and the word "holiday" as used in chapter one hundred and seven, shall not include March seventeenth or the day following when March seventeenth occurs on Sunday.

Approved March 4, 1958.

CHAP. 141. AN ACT DESIGNATING THE JUNCTION OF LEICESTER STREET AND NORTH MAIN STREET IN THE TOWN OF OXFORD AS THE JOHN G. SAAD MEMORIAL SQUARE.

Be it enacted, etc., as follows:

SECTION 1. The junction of Leicester street and North Main street in the town of Oxford shall be known and designated as the John G. Saad Memorial Square. The Veterans of Foreign Wars Post number 5663 is hereby authorized to erect a suitable tablet or marker bearing said designation; provided, however, that said tablet or marker shall be subject to the approval of the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1958.

CHAP. 142. AN ACT PERMITTING THE FIRST CHRISTIAN CHURCH OF HIXVILLE TO RECEIVE INCOME FROM A CERTAIN TRUST FUND.

Be it enacted, etc., as follows:

The First Christian Church of Hixville situated in North Dartmouth in the town of Dartmouth shall be entitled to receive and hold the income to be derived from the trust fund created for its benefit under the will of Edward P. Faunce, late of Brookline, Massachusetts, notwithstanding the provisions of section nine of chapter sixty-eight of the General Laws.

Approved March 6, 1958.

CHAP. 143. AN ACT PROVIDING FOR THE COMPULSORY DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR OF THE OUT-DOOR ADVERTISING DIVISION TO ISSUE CERTAIN LICENSES AND PERMITS.

Be it enacted, etc., as follows:

The fourth sentence of section 29 of chapter 93 of the General Laws, as appearing in section 4 of chapter 584 of the acts of 1955, is hereby amended by striking out, in line 1, the word "may" and inserting in place thereof the word:— shall,— so as to read as follows:— The board shall delegate to the executive director authority to issue licenses or permits, subject to the provisions of section twenty-nine A, where no objection has been received to the pending application.

Approved March 6, 1958.

CHAP. 144. AN ACT RELATIVE TO THE CORPORATE POWERS OF THE RELIEF ASSOCIATION OF THE MALDEN FIRE DEPARTMENT.

Be it enacted, etc., as follows:

Upon the death of any pensioned member of the fire department of the city of Malden, who is a member of the Relief Association of the Malden Fire Department, and who is entitled to receive benefits under the constitution and by-laws of said corporation, the amount of mortuary benefit to which he was entitled at the time of his retirement as an active member of said fire department shall be paid to such person as the deceased shall have designated in a writing filed with the secretary; provided, however, that the person so designated shall be the wife, betrothed, child, adopted child, parent, or adopting parent, blood relative of, or a person dependent upon, such deceased member. In the event that the named beneficiary has died, or is illegally designated, then the benefit shall be paid to the wife, children, mother, father, brother, sister or next of kin in the order named.

Approved March 6, 1958.

CHAP. 145. AN ACT RELATIVE TO THE RETIREMENT OF VETERANS EMPLOYED BY THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty of chapter thirty-two of the General Laws, sections fifty-six to fifty-nine, inclusive, of said chapter thirty-two shall take effect and be applicable in the South Essex Sewerage District, provided that no veteran whose employment first began after June thirtieth, nineteen hundred and thirty-nine shall be subject to the provisions of said sections fifty-six to fifty-nine, inclusive.

SECTION 2. This act shall take effect upon its acceptance by a majority of the cities and towns in the South Essex Sewerage District. In any city in said district it shall be accepted by vote of the city council, in accordance with the provisions of its charter, and in any such town it shall be accepted by a majority of the voters voting thereon at an annual or special town meeting called for the purpose.

Approved March 7, 1958.

CHAP. 146. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATING TO TRANSIENT VENDORS, HAWKERS AND PEDDLERS.

Be it enacted, etc., as follows:

Chapter 101 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 21 of chapter 490 of the acts of 1941, and inserting in place thereof the following section:—
Section 1. The following words shall for the purposes of this chapter have the following meanings, unless the context requires otherwise:—

“Director”, the director of standards and necessities of life in the department of labor and industries.

“Transient vendor”, any person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in one locality or in traveling from place to place.

“Temporary or transient business”, any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

Approved March 7, 1958.

CHAP. 147. AN ACT RELATIVE TO THE PAYMENT BY THE NEW BEDFORD POLICE ASSOCIATION OF SUMS OF MONEY TO RETIRED MEMBERS OF THE ASSOCIATION.

Be it enacted, etc., as follows:

The New Bedford Police Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon retirement of any member in good standing, to pay such member such sum, not exceeding five hundred dollars, as may be determined by vote of the directors of said corporation.

Approved March 7, 1958.

CHAP. 148. AN ACT AUTHORIZING AN INCREASE IN THE ARSENIC CONTENT OF EMBALMING FLUID.

Be it enacted, etc., as follows:

Section 51 of chapter 114 of the General Laws, inserted by chapter 472 of the acts of 1955, is hereby amended by striking out, in lines 3 and 4, the words “five tenths of one milligram” and inserting in place thereof the words:— five milligrams.

Approved March 7, 1958.

CHAP. 149. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO SELL CERTAIN PROPERTY OF THE COMMONWEALTH IN THE CITY OF WORCESTER TO THE ST. GEORGE SYRIAN ANTIOCHIAN ORTHODOX CHURCH OF WORCESTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the immediate sale of certain property of the commonwealth in the city of Worcester by the commissioner of mental health to the St. George Syrian Antiochian Orthodox Church

of Worcester, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 362 of the acts of 1957 is hereby repealed.

SECTION 2. The commissioner of mental health in the name and on behalf of the commonwealth is hereby authorized and directed to sell to the St. George Syrian Antiochian Orthodox Church of Worcester, at a price equivalent to the January first, nineteen hundred and fifty-seven assessed valuation thereof, a certain tract of land located at the northeast junction of Belmont Street and Plantation Street in the city of Worcester and bounded and described as follows: —

Beginning at a point at the northeast corner of the intersection of Plantation Street and Belmont Street; thence running north $36^{\circ} 02' 29''$ east, by the line of Plantation Street 602.01 feet to a point; thence continuing along the line of said Plantation Street in a northeasterly direction along the arc of a curve having a radius of 920 feet and deflecting towards the left for a distance of 258.37 feet to a point; thence south $82^{\circ} 50' 01''$ east, 197.34 feet to a point; thence running south $02^{\circ} 30' 31''$ east; 657.52 feet to the northerly line of said Belmont Street; thence turning and running south $87^{\circ} 29' 29''$ west, by the line of Belmont Street 699.56 feet to said Plantation Street and the point of beginning.

The land hereby conveyed is subject to a twenty-foot easement for the benefit of the Commonwealth of Massachusetts and the political subdivisions thereof for the purpose of maintaining, repairing and reconstructing all existing sewers. Said twenty-foot easement extends 10 feet each side of the center-line of the existing sewers.

The deed shall expressly provide that in the event of future takings by the Commonwealth of Massachusetts, county of Worcester or city of Worcester for the relocation or widening of said Belmont Street, or both, and Plantation Street that the grantee shall waive all land damage claims.

Said land is to be used for the purpose of erecting a church, rectory, recreational area, community center and home for the aged thereon; provided, however, that the grantee may use or grant the use of portions of said land for the construction of roads and for the widening of existing roads, and may grant over and across said land such locations as may be necessary for water and sewer lines or may be required by public necessity or convenience for telephone, telegraph or electric light or power transmission and gas lines. Title to said land shall revert to and revert in the commonwealth whenever it shall be put to uses other than those described in this act.

Approved March 7, 1958.

CHAP. 150. AN ACT VALIDATING ACTION OF THE TOWN OF STERLING RELATIVE TO THE PURCHASE OF THE CHADWICK SQUARE GARAGE IN SAID TOWN.

Be it enacted, etc., as follows:

The action of the town of Sterling taken at the annual town meeting held on February fourth, nineteen hundred and fifty-seven, in voting to purchase the Chadwick Square Garage together with four acres of

land for the sum of twelve thousand dollars, that the sum of two thousand dollars be raised from the tax levy of the year nineteen hundred and fifty-seven, and that the treasurer be authorized to issue notes or bonds for the balance, payable in not more than five years, and all acts done in pursuance thereof are hereby confirmed and made valid, notwithstanding any provisions of section seven of chapter forty-four of the General Laws to the contrary.

Approved March 7, 1958.

CHAP. 151. AN ACT AUTHORIZING THE CITY OF MALDEN TO REIMBURSE DR. MARY SPENCER FOR EXPENSES INCURRED FOR OUT OF STATE TRAVEL.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the city of Malden may appropriate and pay to Dr. Mary Spencer the sum of one hundred and forty-two dollars and forty-seven cents, as reimbursement for expenses incurred by her for out of state travel in connection with her duties as director of health and hygiene in the school department of said city.

Approved March 7, 1958.

CHAP. 152. AN ACT CLARIFYING THE PROVISIONS OF LAW RELATING TO METHODS OF DETERMINING TAXABLE INCOME.

Be it enacted, etc., as follows:

Chapter 62 of the General Laws is hereby amended by striking out section 7, as most recently amended by section 2 of chapter 540 of the acts of 1957, and inserting in place thereof the following section:— *Section 7.* In computing gains or losses from the sale or exchange of capital assets, the basis of property owned on January first, nineteen hundred and sixteen, shall be the fair market value on that date or the cost or other basis thereof, whichever is higher. The basis for computing gain or loss from the sale or exchange of property acquired after January first, nineteen hundred and sixteen, shall be determined as follows:— (a) the basis of property acquired by purchase shall be the cost thereof; (b) the basis of property acquired by gift prior to July first, nineteen hundred and fifty-four, shall be the fair market value on the date acquired; (c) the basis of property acquired by gift after June thirtieth, nineteen hundred and fifty-four, shall be the basis to the donor or the last preceeding owner by whom it was not acquired by gift, or the fair market value at the date of the gift, whichever is lower; (d) the basis of property acquired by bequest, devise or inheritance shall be the fair market value of the property on the date acquired; (e) the basis of property acquired as a dividend not paid in liquidation from a corporation, association or trust, the beneficial interest in which is represented by transferable shares, shall be the value at which such property was reportable as income; (f) the basis of property acquired upon the liquidation, in whole or in part, of a corporation, association or trust, the beneficial interest in which is represented by transferable shares, shall be the fair market value of the property on the date it was acquired; (g) the basis of stock acquired as a non-taxable dividend, hereafter called new stock, shall be obtained by multiplying the basis

of the stock on which such dividend was paid, hereafter called old stock, by a fraction whose numerator is the fair market value of the new stock when acquired, and whose denominator is the fair market value of both the old and the new stock when acquired; (h) the basis of rights to purchase securities acquired as a distribution shall be zero; (i) the basis of property acquired in a non-taxable exchange shall be the basis of the property exchanged therefor; and (j) the basis of property acquired in a taxable exchange shall be the fair market value of the property at the time of the exchange.

In the case of real or tangible personal property, the foregoing basis shall be diminished by the amount of depreciation allowable to the taxpayer under the provisions of this chapter and corresponding provisions of earlier laws. For determining loss in the case of real property, the rental income from which is exempt under this chapter, the foregoing basis shall be reduced by depreciation sustained during the period such property was rented. In the case of undeveloped land, the foregoing basis shall be increased by the excess of the property taxes paid over the rental income received after that date.

In the case of intangible personal property: First, if the property has constituted the basis of a non-taxable stock dividend, the foregoing basis shall be reduced by the amount apportioned as the basis of the new stock acquired in accordance with subsection (g); and second, the foregoing basis shall be reduced by any amounts which do not constitute a dividend as defined in subsection (b) of section sixty-one.

Approved March 7, 1958.

CHAP. 153. AN ACT AUTHORIZING THE CITY OF QUINCY TO CONTRIBUTE ONE HALF THE COST OF THE INSTALLATION OF WARNING LIGHTS AND BELLS AT THE NORFOLK DOWNS RAILROAD STATION.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to appropriate the sum of eight thousand one hundred and seventy-five dollars for the purpose of contributing one half the cost of the installation of warning lights and bells at the Norfolk Downs railroad station in said city; provided, however, that said city shall not be responsible for the operation and maintenance of said lights and bells, nor shall it be liable for personal injuries or death, or for property damage, suffered by any person by reason of said maintenance or operation or failure thereof; and provided, further, that said city shall not, by reason of the passage of this act or the expenditure herein authorized, be liable for personal injuries or death, or for property damage, suffered by any person by reason of any defect or want of repair in the way at said station.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 7, 1958.

CHAP. 154. AN ACT RELATIVE TO THE QUALIFICATIONS OF PERSONS AS TEACHERS IN STATE AIDED APPROVED VOCATIONAL SCHOOLS.

Be it enacted, etc., as follows:

Chapter 74 of the General Laws is hereby amended by striking out section 24A, inserted by chapter 497 of the acts of 1947, and inserting in place thereof the following section: — *Section 24A.* Any person who is not over fifty years of age and is otherwise qualified shall be eligible for an appointment as a teacher in state aided approved vocational schools.

Approved March 7, 1958.

CHAP. 155. AN ACT RELATIVE TO THE INCREASE IN THE AMOUNT AND NUMBER OF SHARES OF CAPITAL STOCK OF INSURANCE COMPANIES AND THE SALE THEREOF.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by striking out section 70, as most recently amended by section 13 of chapter 698 of the acts of 1957, and inserting in place thereof the following section: — *Section 70.* Such company may issue pro rata to its stockholders certificates of any portion of its actual net surplus it may decide to divide, which shall be deemed to be an increase of its capital to the amount of such certificates, or such company may, at a meeting called therefor, vote to increase the amount and number of shares of its capital stock, and to issue certificates thereof when paid in full. If a company shall vote to increase its capital in the second of the two ways set forth in the preceding sentence, the increase in the amount and number of shares of capital stock may, at the discretion of the directors, be disposed of for cash, property, services or expenses in whole or in part without being offered to the stockholders. In the event the directors decide that the new issue, or a part of it, is to be offered to the stockholders, the directors shall fix the price per share, in respect of shares with par value at not less than par, and in respect of shares without par value at not less than its stated portion of authorized capital, at which, and the time, not less than thirty days after the date of such vote to increase, within which the new stock may be taken by the stockholders, and the directors shall forthwith give written notice to each stockholder who was such at the time of the vote to increase, stating the amount of the increase, the number of shares or fractions of shares of new stock that such stockholder is entitled to take, the price at which and the time within which such new stock may be taken; within said time each stockholder may take, at the price fixed as aforesaid, his proportion of such new shares at the date of such vote to increase; provided, that if at the expiration of such time any shares remain untaken, the directors may sell the same for the benefit of the corporation in such manner and for such price, not less than the price fixed as aforesaid, as they may determine. In whichever mode the increase is made, the company shall, within thirty days after the issue of such certificates, submit to the commissioner a certificate setting forth the proceedings thereof and the amount of such increase, signed and sworn to by its president and secretary and a majority of its directors. If the commissioner finds that the increase is

made in conformity to law, he shall endorse his approval thereon; and upon filing such certificate so endorsed with the state secretary and the payment of a fee of one twentieth of one per cent of the amount by which the capital is increased but not less than twenty-five dollars for filing the same, the company may transact business upon the capital as increased, and the commissioner shall, upon payment of the fee prescribed by section fourteen, issue his certificate to that effect.

Approved March 10, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, March 12, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Robert F. Murphy, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 155 of the Acts of 1958, entitled "An Act Relative to the Increase in the Amount and Number of Shares of Capital Stock of Insurance Companies and the Sale Thereof" and the enactment of which received my approval on March 10, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose which is to facilitate the expansion of the insurance industry in Massachusetts and prevent the potential change of domicile of domestic insurance companies.

Very truly yours,

ROBERT F. MURPHY,
Lieutenant Governor, Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, March 12, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor of the Commonwealth of Massachusetts at eleven o'clock and fifty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one hundred and fifty-five of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 156. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONVEY CERTAIN LAND ACQUIRED FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield, by its board of park commissioners, is hereby authorized, by sale or otherwise, to convey free from

all restrictions, to Edith B. Bigelow of St. Paul, Minnesota, and Frances B. Anderson of Miami, Florida, a certain parcel of land in said city of Springfield heretofore acquired for park purposes and bounded and described as follows: —

Beginning at an iron rod in the northerly line of South Branch Parkway at the easterly end of a curve in said northerly line, having a radius of eight hundred seventeen and 55/100 (817.55) feet, and a length of four hundred forty-seven and 33/100 (447.33) feet, and running thence westerly by said curving northerly line of South Branch Parkway (radius 817.55 feet), a distance of fifty and 07/100 (50.07) feet; thence running N. 29° 32' 43" W. along land of the city of Springfield, fifty-four and 27/100 (54.27) feet to land of said Edith B. Bigelow and Frances B. Anderson; thence N. 76° 09' 17" E. along land of said Edith B. Bigelow and Frances B. Anderson two hundred forty-eight and 52/100 (248.52) feet to the northwesterly corner of land now or formerly of one Scott; thence southwesterly in a straight line along the westerly line of said land now or formerly of one Scott and the westerly line of land now or formerly of one Willis and by land of the city of Springfield one hundred nineteen and 37/100 (119.37) feet to a point in the northerly line of said South Branch Parkway distant S. 86° 24' 43" E. from the point of beginning; thence N. 86° 24' 43" W. by said northerly line of South Branch Parkway one hundred forty-two and 06/100 (142.06) feet to the point of beginning, containing 17,600 square feet; together with the right to use said South Branch Parkway as a way from the southwesterly corner of the above described premises easterly to Plum-tree road.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Springfield, subject to the provisions of its charter, but not otherwise.

Approved March 10, 1958.

CHAP. 157. AN ACT AUTHORIZING THE CITY OF LYNN TO SELL CERTAIN LAND IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, by its proper authorities, may sell, transfer and convey Lot A and Lot B as shown on a plan entitled "Plan of Land for Sale by City of Lynn", dated March twenty, nineteen hundred and fifty-seven, signed by Frank E. Gowdy, city engineer.

SECTION 2. This act shall take effect upon acceptance during the current year by vote of the board of park commissioners of said city and by vote of the city council thereof, subject to the provisions of its charter, but not otherwise.

Approved March 10, 1958.

CHAP. 158. AN ACT EXEMPTING CERTAIN STRUCTURES FROM THE PROVISIONS OF LAW RELATIVE TO SIGNS AND OTHER STRUCTURES PROJECTING INTO PUBLIC WAYS.

Be it enacted, etc., as follows:

Chapter 85 of the General Laws is hereby amended by striking out section 9, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 9.* The provisions of section eight shall not apply to signs or other structures projecting into

or over the way a distance of less than twelve inches, nor to poles, wires, conduits, and appurtenances of railroad, railway, telegraph and telephone, water, gas, electric light, heat and power companies.

Approved March 10, 1958.

CHAP. 159. AN ACT INCREASING THE TOTAL AMOUNT OF PROPERTY WHICH THE JOSIAH WILLARD HAYDEN RECREATION CENTRE, INC. MAY HOLD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit forthwith the Josiah Willard Hayden Recreation Centre, Inc. to acquire and hold additional real and personal property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter one hundred and eighty of the General Laws, the Josiah Willard Hayden Recreation Centre, Inc., a corporation duly organized under the provisions of said chapter, is hereby authorized to acquire by gift, grant, bequest, devise or otherwise, lands, tenements or other estate, real or personal, in an amount not to exceed seven million five hundred thousand dollars, and to hold, manage, and from time to time invest and re-invest the same, or the proceeds of any sale thereof, for the purposes set forth in its charter.

Approved March 13, 1958.

CHAP. 160. AN ACT PROVIDING THAT MANAGERS OF MUNICIPAL LIGHTING IN CITIES AND TOWNS MAY EMPLOY ATTORNEYS.

Be it enacted, etc., as follows:

The first sentence of section 56 of chapter 164 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "of", the second time it appears in line 7, the words:—attorneys and of, — so as to read as follows:— The mayor of a city, or the selectmen or municipal light board, if any, of a town acquiring a gas or electric plant shall appoint a manager of municipal lighting who shall, under the direction and control of the mayor, selectmen or municipal light board, if any, and subject to this chapter, have full charge of the operation and management of the plant, the manufacture and distribution of gas or electricity, the purchase of supplies, the employment of attorneys and of agents and servants, the method, time, price, quantity and quality of the supply, the collection of bills, and the keeping of accounts.

Approved March 13, 1958.

CHAP. 161. AN ACT VALIDATING CERTAIN ACTION TAKEN AT A SPECIAL TOWN MEETING OF THE TOWN OF SOUTHAMPTON IN THE YEAR NINETEEN HUNDRED AND FIFTY-SEVEN.

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Southampton taken at a special town meeting held on June eighteenth in the year nineteen hundred and fifty-seven whereby said town accepted the provisions of

chapter thirty-two B of the General Laws, and all acts done in pursuance thereof, are hereby confirmed and made valid to the same extent as if said chapter had been accepted by said town in accordance with section ten of said chapter thirty-two B.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1958.

CHAP. 162. AN ACT PROHIBITING THE FILING OF A LIBEL FOR DIVORCE UNLESS THE PARTIES THERETO HAVE BEEN LIVING APART FOR AT LEAST THREE MONTHS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 208 of the General Laws is hereby amended by inserting after section 6A the following section:— *Section 6B.* No libel for divorce shall be filed in the superior court or probate court of any county unless, at the time of filing such libel, the parties thereto have been living apart for a period of not less than three months and the libellant so certifies on the libel; provided, however, that the court may, after a hearing ex parte, waive said requirements.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine, and shall apply to libels for divorce filed on or after said date.

Approved March 14, 1958.

CHAP. 163. AN ACT PROVIDING IN CERTAIN CASES FOR THE INFORMAL ADMINISTRATION OF ESTATES OF DECEASED PERSONS NOT EXCEEDING EIGHT HUNDRED DOLLARS IN VALUE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16 of chapter 195 of the General Laws, as amended by section 1 of chapter 317 of the acts of 1956, is hereby further amended by striking out, in line 3, the word "five" and inserting in place thereof the word: — eight.

SECTION 2. This act shall take effect ninety days after its passage and shall apply only to the estates of persons dying on or after said effective date.

Approved March 14, 1958.

CHAP. 164. AN ACT AUTHORIZING SCHOOL COMMITTEES TO ESTABLISH SCHOOL SAFETY PATROLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 48A, as amended by chapter 47 of the acts of 1935, and inserting in place thereof the following section:— *Section 48A.* School committees shall have authority to organize school safety patrols, consisting of pupils, whose functions shall be to encourage pupils to cross highways at designated crossings and when conditions are safe, to assist drivers of school buses in maintaining safety rules and to protect pupils who are boarding or alighting from such buses; and may adopt regulations relative to the flagging or signalling of school buses by members of said safety patrols. Said committees may make expenditures, from funds appropriated for school purposes, for the purchase of traffic belts, so called, to be used by the safety patrol leaders in safeguarding the

passage of pupils to and from school. Nothing herein contained shall authorize a safety patrol member to direct vehicular traffic, provided, however, that such patrol member may use a flag or other approved signal to indicate to a driver that school children are crossing or are about to cross the street. No patrol member shall be stationed in that portion of the highway intended for the use of vehicular traffic, but shall perform his duties from the curb and sidewalk areas.

No liability shall attach either to the school committees or any individual member thereof, a superintendent, teacher, patrol member, or parent of a patrol member, or other school authority by virtue of the organization, maintenance or operation of a safety patrol under authority of this section.

Approved March 14, 1958.

CHAP. 165. AN ACT RELATIVE TO LAW SITTINGS OF THE SUPREME JUDICIAL COURT FOR BRISTOL, DUKES COUNTY AND NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. Chapter 211 of the General Laws is hereby amended by striking out section 12, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 12.* A law sitting of the court for the commonwealth shall be held annually at Boston on the first Wednesday of January and may be adjourned to places and times most conducive to the despatch of business and to the interests of the public. At such sitting, questions of law arising in criminal cases in any county in the commonwealth, questions of law arising in civil cases in the counties of Barnstable, Bristol, Dukes County, Essex, Middlesex, Nantucket, Norfolk, Plymouth and Suffolk, and, by consent of the parties filed in the case, such questions arising in civil cases in other counties, and such questions for which no other provision is made shall be entered and determined.

SECTION 2. Said chapter 211 is hereby further amended by striking out section 13, as amended by chapter 416 of the acts of 1952, and inserting in place thereof the following section: — *Section 13.* For hearing questions of law arising in the following counties, law sittings shall be held once in each year at such times as the court shall by rule determine: —

For Berkshire, at Pittsfield.

For Franklin and Hampshire, alternately at Greenfield and Northampton, the sitting at Northampton being in the even year.

For Hampden, at Springfield.

For Worcester, at Worcester.

For Bristol, Dukes County and Nantucket, the court may from time to time hold a law sitting at Taunton, if conducive to the despatch of business and to the interest of the public.

Provided, that when no case has been set down for oral argument at least two weeks before the day determined for any one of the said sittings, the sitting may be omitted; and if not more than three cases shall have been set down for oral argument, those cases may be transferred to any other of said sittings which may be most accessible and convenient for the parties, or to a sitting for the commonwealth if the parties so agree.

Approved March 14, 1958.

CHAP. 166. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO PAY A SUM OF MONEY TO RAYMOND C. DAUPHINAIS DOING BUSINESS AS RAY'S TAILOR SHOP.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Newburyport is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay the sum of one thousand six hundred dollars to Raymond C. Dauphinais doing business as Ray's Tailor Shop for goods, materials and services rendered to said city by order of the school committee thereof, which order was issued without complying with the provisions of the ordinances of said city or of section twenty-eight of chapter forty-three of the General Laws, and which bill was incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the mayor and city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 14, 1958.

CHAP. 167. AN ACT AUTHORIZING THE CITY OF MALDEN TO PAY A SUM OF MONEY TO JOAN BRESLIN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Malden is hereby authorized to appropriate or transfer from available funds, and to pay a sum of money, not exceeding ninety-three dollars, to Joan Breslin for medical expenses incurred as a result of injuries received by her while in the performance of her duties as a playground supervisor in said city in the year nineteen hundred and fifty-seven.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 14, 1958.

CHAP. 168. AN ACT AUTHORIZING CERTAIN JUNIOR COLLEGES TO GRANT THE DEGREE OF ASSOCIATE IN ENGINEERING.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 79, inserted by section 5 of chapter 620 of the acts of 1948, and

inserting in place thereof the following section: — *Section 79.* Any city or town may use the designation "Junior College" with respect to its maintenance of such extended course of instruction at a particular school therein, and the school committee of such city or town may, subject to the approval of the board of collegiate authority, grant any one or more of the degrees of associate in arts, associate in engineering or associate in science to persons who complete such course of instruction.

Approved March 14, 1958.

CHAP. 169. AN ACT AUTHORIZING THE CITY OF LYNN TO SELL CERTAIN LAND OWNED BY SAID CITY, SITUATED IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, by its proper authorities, may sell, transfer and convey all or any part of certain land owned by said city and situated in the town of Saugus as shown on a plan of land entitled "Plan of Land in Saugus, Mass. Owned by the City of Lynn", dated October eighth, nineteen hundred and fifty-seven, signed by William B. Hilton, city engineer. Said land being designated on said plan as Lots three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen.

SECTION 2. This act shall take effect upon acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise. *Approved March 14, 1958.*

CHAP. 170. AN ACT RELATIVE TO THE REBUILDING OF UNION BRIDGE OVER NORTH RIVER BETWEEN THE TOWNS OF MARSHFIELD AND NORWELL.

Be it enacted, etc., as follows:

Chapter 658 of the acts of 1956 is hereby amended by striking out section 1, as amended by section 1 of chapter 611 of the acts of 1957, and inserting in place thereof the following section: — *Section 1.* The county commissioners of the county of Plymouth, subject to the provisions of chapter ninety-one of the General Laws, and of all other laws which may be applicable, are hereby authorized and directed within two years of the passage of this act to reconstruct Union bridge, so called, over North river, between the towns of Marshfield and Norwell. The bridge as reconstructed shall have suitable permanent approaches, and the spans at either side of the draw shall be of permanent construction. The draw shall be twenty-five feet wide in the clear, and the lift shall provide a vertical clearance of not less than six feet above mean high water and shall be of such type and construction that it may be operated in an expeditious manner. The whole work shall be done subject to the approval of the division of waterways of the department of public works and in accordance with the plans on file in the office of said division.

Approved March 14, 1958.

CHAP. 171. AN ACT AUTHORIZING THE CITY OF LYNN TO GRANT A RIGHT OF WAY TO VALLADOLID BUILDING ASSOCIATION OF LYNN, MASS. OVER CERTAIN PARK LAND IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, by its proper authorities, may grant a fifty-foot right of way to the Valladolid Building Association of Lynn, Mass., to be used for all purposes for which a right of way is commonly used, over land of the city of Lynn, as shown on plan entitled "Plan of 50 Ft. Easement Over Land of City of Lynn," dated November six, nineteen hundred and fifty-seven, signed by William B. Hilton, city engincer.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the board of park commissioners of said city, and by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 14, 1958.

CHAP. 172. AN ACT DECREASING THE NUMBER OF MORTUARIES REQUIRED TO BE PROVIDED AND MAINTAINED IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Chapter 252 of the acts of 1911 is hereby amended by striking out section 1, as amended by section 1 of chapter 631 of the acts of 1912, and inserting in place thereof the following section:— *Section 1.* The county of Suffolk shall provide and maintain at least one mortuary at a convenient location in the city of Boston; and the expense of providing and maintaining the same, including the wages or salaries of any attendants, and the cost of removal of dead bodies, shall be paid in the same way in which other expenses of the county are paid.

Approved March 14, 1958.

CHAP. 173. AN ACT PROVIDING THAT A PRISONER HELD IN CUSTODY AWAITING AND DURING TRIAL SHALL, IF SENTENCED TO IMPRISONMENT, BE DEEMED TO HAVE SERVED PART OF SUCH SENTENCE.

Be it enacted, etc., as follows:

Chapter 279 of the General Laws is hereby amended by striking out section 33A, inserted by section 101 of chapter 770 of the acts of 1955, and inserting in place thereof the following section:— *Section 33A.* The court on imposing a sentence of commitment to a correctional institution of the commonwealth shall order that the prisoner be deemed to have served a portion of said sentence, such portion to be the number of days spent by the prisoner in confinement prior to such sentence awaiting and during trial.

Approved March 14, 1958.

CHAP. 174. AN ACT AUTHORIZING THE HAVERHILL POLICE RELIEF ASSOCIATION, INC. TO PAY A SUM OF MONEY TO THE WIDOW OF HIRAM ELDRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any other provision of law, the Haverhill Police Relief Association, Inc. is hereby authorized to pay from the funds of said association to the widow of Hiram Eldridge, a member of the Haverhill police department who retired on April first, nineteen hundred and fifty-six, a sum of money equal to the death benefit.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1958.

CHAP. 175. AN ACT RELATIVE TO APPEAL TO THE SUPERIOR COURT FROM THE DECISION OF A BOARD OF APPEALS UNDER THE ZONING ENABLING ACT.

Be it enacted, etc., as follows:

Section 21 of chapter 40A of the General Laws, as amended by section 1 of chapter 199 of the acts of 1957, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences:— Any person aggrieved by a decision of a board of appeals, whether or not previously a party to the proceeding, or any municipal officer or board, may appeal to the superior court sitting in equity for the county in which the land concerned is situated; provided, that such appeal is filed in said court within twenty days after such decision has been filed in the office of the city or town clerk. Notice of such appeal shall be given to such city or town clerk so as to be received within such twenty days.

Approved March 15, 1958.

CHAP. 176. AN ACT RELATIVE TO THE APPROPRIATION BY TOWNS OF MONEY TO PAY PROPER CHARGES FOR VARIOUS TYPES OF INSURANCE COVERAGE.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (1), as most recently amended by chapter 385 of the acts of 1955, and inserting in place thereof the following clause:—

(1) To pay a proper charge of an insurance company for acting as surety on the official bond of any town officer, to pay a proper charge for effecting insurance providing indemnity for or protection to a town treasurer or a town collector of taxes against his liability for the loss, without fault, connivance or neglect on his part, of money for which he is accountable to the town, or to pay a proper charge for effecting insurance providing indemnity for or protection to any officer or employee of the town, or volunteer driver of fire apparatus of the town whose service as such is approved by the selectmen or other responsible officer, against loss by reason of his liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, or for damage to property, caused by any act of his which is within the scope of his official duties or employment, including the operation of any motor or

other vehicle, equipment or vessel owned or leased by the town, to an amount not exceeding twenty-five thousand dollars on account of injury to or death to one person, or not exceeding one hundred thousand dollars for any one accident, and not exceeding five thousand dollars on account of damage to property; or to pay a proper charge for effecting insurance providing indemnity for or protection to any of the officers or employees of the town, or to any member of a volunteer fire company in a town whose service as such is approved by the board of selectmen of such town, named in section one hundred of chapter forty-one against loss by reason of any expenses or damages within the provisions of said section, or to pay a proper charge to prevent loss by reason of destruction or damage of buildings or personal property by fire or other causes normally covered by fire insurance policies issued in the commonwealth, or to pay a proper charge for effecting insurance to cover the town's liability to pay workmen's compensation, or, if the town has elected to establish and maintain an insurance fund to pay workmen's compensation under section thirteen A of this chapter, or if the town has determined otherwise to pay such workmen's compensation direct, to pay a proper charge for aggregate excess or single accident reinsurance to protect the town from extraordinary workmen's compensation losses; or to pay a proper charge for insurance against damage to or loss of any town property, real or personal, by any cause whatsoever, normally covered by insurance policies issued in the commonwealth and not otherwise provided for herein.

Approved March 17, 1958.

CHAP. 177. AN ACT RELATIVE TO THE ANNUAL STATEMENT OF LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 25 of chapter 175 of the General Laws is hereby amended by striking out the first paragraph following line 42, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: —

Schedule showing all banks and trust companies in which an account was maintained at any time during the year covered by the statement with balances, if any, at December thirty-first of said year and showing the largest balance carried during each month of said year in each bank or trust company in which the largest balance during said year exceeded one fortieth of one per cent of admitted assets as of December thirty-first of said year as shown in the statement, or five hundred thousand dollars, whichever is smaller.

Approved March 17, 1958.

CHAP. 178. AN ACT REGULATING FIRE SALES, SO CALLED, AND SIMILAR TYPES OF SALES.

Be it enacted, etc., as follows:

SECTION 1. Section 28D of chapter 93 of the General Laws, inserted by chapter 165 of the acts of 1938, is hereby amended by inserting after the word "inclusive", in line 2, the words: — , or section twenty-eight F, — so as to read as follows: — *Section 28D.* Whoever violates any provision of sections twenty-eight A to twenty-eight C, inclusive, or

section twenty-eight F, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and each day on which a sale is conducted in violation of any of said provisions shall constitute a separate offence.

SECTION 2. Section 28E of said chapter 93, inserted by chapter 511 of the acts of 1950, is hereby amended by inserting after the word "inclusive", in line 5, the words: — , or section twenty-eight F, — so as to read as follows: — *Section 28E.* Upon complaint of any person, the superior court shall have jurisdiction in equity to restrain and enjoin any act forbidden or declared illegal by any provision of sections twenty-eight A to twenty-eight C, inclusive, or section twenty-eight F.

SECTION 3. Said chapter 93 is hereby further amended by inserting after section 28E the following section: — *Section 28F.* No person shall advertise or offer for sale a stock of goods, wares or merchandise under designation of "fire sale", or other designation of like meaning, indicating the effect or result of fire, unless the goods, wares or merchandise so advertised or so offered for sale have, in fact, been salvaged from a fire or included in an insurance settlement as a result of fire, and unless such goods, wares or merchandise are segregated and identified. No other goods, wares or merchandise shall be included under such designation in any form of advertising, tagging or labeling.

Approved March 19, 1958.

CHAP. 179. AN ACT RELATIVE TO THE FURNISHING BY BANKS OF CERTAIN INFORMATION CONCERNING DEPOSITS TO PUBLIC WELFARE OFFICIALS.

Be it enacted, etc., as follows:

Chapter 121 of the General Laws is hereby amended by striking out section 41, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 41.* A treasurer of a savings bank, national bank, trust company, co-operative bank, benefit association, insurance company or safe deposit company who, upon written request, signed by an officer of the department or an agent duly appointed for the purpose by a board of public welfare or a district welfare committee unreasonably refuses to inform him of the amount deposited in the corporation or association to the credit of a person named in such request as a charge upon the commonwealth, city, town or welfare district, or as an applicant to any city, town or welfare district for public assistance under chapters one hundred and seventeen, one hundred and eighteen, one hundred and eighteen A or one hundred and eighteen D, or who wilfully renders false information in reply to such request, shall forfeit fifty dollars to the use of the commonwealth. Upon such request, a treasurer, as aforesaid, shall furnish the records on deposits and withdrawals during the past five years, concerning any applicant for or recipient of public assistance under chapters one hundred and seventeen, one hundred and eighteen, one hundred and eighteen A or one hundred and eighteen D to any officer of the department or an agent duly appointed for the purpose by a board of public welfare or a district welfare committee.

Approved March 19, 1958.

CHAP. 180. AN ACT REQUIRING AUXILIARY FIREMEN TO WEAR CERTAIN MARKINGS ON THEIR CLOTHING.

Be it enacted, etc., as follows:

Section 11 of chapter 639 of the acts of 1950 is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph: —

(a) The mayor and city council in cities and the selectmen in towns, or such other persons or bodies as are authorized by law to appoint firemen or policemen, may appoint, train and equip volunteer, unpaid auxiliary firemen and auxiliary police and may establish and equip such other volunteer, unpaid public protection units as may be approved by said civil defense agency and may appoint and train their members. Coats and other like garments issued hereunder to be worn as outer clothing by auxiliary firemen shall bear on the back the letters C. D. five inches in height and helmets so issued shall be yellow. Every such fireman, unless wearing a coat or other like garment and helmet issued as aforesaid, shall, while on duty as such, wear an arm band bearing the letters C. D. Chapters thirty-one, thirty-two and one hundred and fifty-two of the General Laws shall not apply to persons appointed hereunder.

Approved March 19, 1958.

CHAP. 181. AN ACT RELATIVE TO SEARCH WARRANTS IN CONNECTION WITH NARCOTIC DRUGS AND IMPLEMENTS USED THEREWITH.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 213, as appearing in section 1 of chapter 660 of the acts of 1957, and inserting in place thereof the following section: — *Section 213.* If a person makes a complaint under oath to a district court, or a justice of the peace authorized to issue warrants in criminal cases, that he has reason to believe that any narcotic drug, article, implement or other paraphernalia used in, for, or in connection with the unlawful possession or use of any narcotic drug, is kept or deposited by a person named therein in a store, shop, warehouse, building, place of residence, vehicle, steamboat, vessel, airplane or any place whatever, such person not being authorized by the narcotic drugs law to possess the same, such court or justice of the peace, if it appears that there is probable cause to believe that said complaint is true, shall issue a search warrant to a sheriff, deputy sheriff, chief of police, police officer, constable or inspector of the department commanding him to search such premises, and if any narcotic drugs, articles, implements or other paraphernalia used in, for, or in connection with the unlawful possession or use of any narcotic drug, are found therein to seize and securely keep the same, until final action, and to arrest the person in possession thereof, together with all persons present, and to return forthwith the warrant with his doings thereon, to a district court having jurisdiction in the town where said drug is alleged to be kept or deposited.

Approved March 19, 1958.

CHAP. 182. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO ACQUIRE CERTAIN CEMETERY PROPERTY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth is hereby authorized to acquire for school purposes, by gift, purchase or eminent domain, the cemetery consisting of a certain parcel of land located on Commercial street in East Weymouth, known as the Cowing property, and being shown as Lot 20, Block 245, on the atlas of said town of Weymouth, dated January first, nineteen hundred and fifty-six; and said town is hereby further authorized to remove all remains interred at said cemetery and reinter the same in another cemetery, marking the new graves in so far as now marked, or to permit any descendant or relative of any person interred to remove the remains of such person, and reinter such remains in accordance with applicable laws and regulations concerning burial.

SECTION 2. The action of the town of Weymouth at a special town meeting held on November eighteenth, nineteen hundred and fifty-seven, shall be as valid and effective as though this act were in full force and effect at the time of the posting of the warrant for said town meeting.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1958.

CHAP. 183. AN ACT MAKING AN APPROPRIATION TO PROVIDE EXPENSES FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION TO BE HELD IN THE CITY OF BRUSSELS, BELGIUM.

Be it enacted, etc., as follows:

SECTION 1. To provide for the expenses in connection with the proper representation of the commonwealth at the Brussels Universal and International Exhibition, the sum set forth in section two of this act is hereby appropriated from the General Fund or ordinary revenue of the commonwealth, subject to the provisions of law regulating the disbursements of public funds and the approval thereof, for the fiscal years nineteen hundred and fifty-eight and nineteen hundred and fifty-nine.

SECTION 2.

0468-01 For the proper representation of the commonwealth at the Brussels Universal and International Exhibition in the city of Brussels, Belgium, as authorized by chapter eighteen of the resolves of the current year, appropriation expires June thirtieth, nineteen hundred and fifty-nine. Notwithstanding the provisions of the last sentence of said chapter eighteen, the governor and council may authorize payments to be made to the Office of the United States Commissioner General, Brussels Universal and International Exhibition, 1958, upon request by the proper authority, as the commonwealth's contribution, to the travel and living expenses of the delegation mentioned in said chapter eighteen \$15,000 00

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1958.

CHAP. 184. AN ACT TO PROVIDE EMERGENCY IMPROVEMENTS TO THE POWER PLANT AT THE MASSACHUSETTS CORRECTIONAL INSTITUTION, CONCORD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for emergency improvements to the power plant at the Massachusetts Correctional Institution, Concord, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Item 8255-64 of section 2 of chapter 471 of the acts of 1954 is hereby amended by striking out the wording and inserting in place thereof the following: — For certain building alterations, including the construction of a pedestrian trap, and the cost of furnishings and equipment, and for improvements to the power plant.

SECTION 2. Item 8356-43 of section 2 of chapter 738 of the acts of 1955 is hereby amended by striking out the wording and inserting in place thereof the following: — For improvements to the power plant at the Massachusetts Correctional Institution, Concord, to be in addition to the amount appropriated in item 8255-64 of section two of chapter four hundred and seventy-one of the acts of nineteen hundred and fifty-four.

SECTION 3. To provide for supplementing certain sums previously authorized for emergency power plant improvements at the Massachusetts Correctional Institution, Concord, transfers are hereby authorized as designated in the following items: —

- | | |
|-----------|--|
| 8356-01 } | The unexpended balance remaining in item 8356-01 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, on the effective date of this act, is hereby transferred and made available for the purposes of item 8356-43 of said section two of chapter seven hundred and thirty-eight as amended by this act. |
| 8356-43 } | |
| 8356-02 } | The unexpended balance remaining in item 8356-02 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, on the effective date of this act, is hereby transferred and made available for the purposes of item 8356-43 of said section two of chapter seven hundred and thirty-eight as amended by this act. |
| 8356-43 } | |

Approved March 24, 1958.

CHAP. 185. AN ACT TO FURTHER DEFINE THE MEMBERSHIP, POWERS AND DUTIES OF THE HISTORIC DISTRICTS COMMISSION IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4 of chapter 447 of the acts of 1956 is hereby amended by striking out the third sentence and inserting in place thereof the following three sentences: — The selectmen also shall appoint for terms of five years from January first following the year of such appointments four associate members of the commission selected from candidates nominated by the aforesaid organizations and trustees, each such organization and trustees to nominate two each when two or more associate members are to be appointed and to nominate one each when only one associate member is to be appointed. In

case of the absence, inability to act, or interest on the part of a member of the commission his place may be taken by an associate member designated by the chairman of the commission. In case of a vacancy on said commission the chairman may designate an associate member to serve as a member of the commission until said vacancy is filled as provided in this section.

SECTION 2. Section 6 of said chapter 447 is hereby amended by adding at the end the following paragraph: —

(c) The exterior color of any building or structure within the historic districts may be changed to white without the filing of an application for, or the issuance of, a certificate of appropriateness.

SECTION 3. The second paragraph of section 8 of said chapter 447 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — The commission also shall hold a public hearing on all other applications required to be filed with it under this act, except that the commission may approve an application for a change in exterior color features without holding a hearing if it determines that the color change proposed is appropriate.

SECTION 4. The third paragraph of section 9 of said chapter 447 is hereby amended by striking out, in lines 10 to 13, the words “The commission shall not make any recommendations or requirements except for the purpose of preventing developments obviously incongruous to the purposes set forth in this act.”

SECTION 5. Said section 9 of said chapter 447 is hereby further amended by inserting after said third paragraph the following paragraph: —

In approving an application the commission may impose conditions which, if the certificate of appropriateness is acted upon, shall be binding upon the applicant, the owner of the property and his successors in title.

SECTION 6. Said section 9 of said chapter 447 is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph: —

(c) In the case of disapproval of an application for a certificate of appropriateness or a permit for demolition or removal, the commission shall cause a notice of its determination, dated and signed by its chairman or chairman pro tempore, to be issued to the applicant, setting forth therein the reasons for its determination, and, as to applications for a certificate of appropriateness, the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color, and similar factors. The commission shall not make any recommendations except for the purpose of preventing developments obviously incongruous to the purposes set forth in this act.

SECTION 7. This act shall take effect upon its passage.

Approved March 24, 1958.

CHAP. 186. AN ACT CHANGING THE BOUNDARY LINES OF THE RING'S ISLAND WATER DISTRICT IN THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 298 of the acts of 1936 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* The inhabitants of the town of Salisbury, liable to

taxation in said town and residing within the territory comprised within the following boundary lines, to wit: Beginning at a point in the center line of Massachusetts Highway Route No. 17, known locally as Bridge road, three hundred feet south of the junction of said Route No. 17 and Pleasant street, thence running in a southwesterly direction twenty-two hundred feet more or less to the center line of the location of the eastern division of the Boston and Maine Railroad; thence running southerly along the center line of said location to its intersection with the center line of the channel of Town creek, so called; thence following the channel of Town creek in a southwesterly direction to the boundary line between the town of Salisbury and the city of Newburyport; thence by said boundary to a point opposite the mouth of Mill creek; thence northerly to the mouth of Mill creek; thence in a northwesterly direction by the thread of Mill creek to and across Ferry road to a point; thence northerly by a line 500 feet easterly of and parallel to the center line of Massachusetts Highway Route No. 17, known locally as Bridge road, to a point; thence westerly at right angles to the center line of Bridge road to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Ring's Island Water District of Salisbury, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, to assess and raise taxes as provided herein for the payment of such services, and to defray the necessary expenses of carrying on the business of said district, but subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. Said district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of said district voting thereon at a district meeting, but not otherwise.

Approved March 24, 1958.

CHAP. 187. AN ACT AUTHORIZING THE CITY OF EVERETT TO USE CERTAIN PARK LAND FOR PUBLIC BUILDING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions to the contrary contained in section four of chapter three hundred and ninety-five of the acts of eighteen hundred and ninety-four and in a deed from the Woodlawn Cemetery to the city of Everett dated June twelfth, eighteen hundred and ninety-four and recorded in Middlesex South District Registry of Deeds, Book 2283, Page 69, the city of Everett is hereby authorized to use for the erection, maintenance and operation of public buildings thereon as it may determine, certain land now held by it for public park purposes which land was conveyed to said city by said deed from the Woodlawn Cemetery; provided, however, that the Woodlawn Cemetery gives a release of any and all conditions contained in said deed to the city of Everett.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 24, 1958.

CHAP. 188. AN ACT FURTHER DEFINING GROUP LIFE INSURANCE SO AS TO INCLUDE CERTAIN GUARANTORS AS BENEFICIARIES.

Be it enacted, etc., as follows:

Clause (c) of section 133 of chapter 175 of the General Laws, as amended by section 2 of chapter 400 of the acts of 1957, is hereby further amended by inserting after the word "price", in line 5, the words: — , or of a guarantor or conditional guarantor of the obligation,— so as to read as follows: — ; or (c) a group of persons who at any time are debtors of a bank, association, financial or other institution, including its subsidiary or affiliated institutions, if any, for a loan, or of the vendor of any property for its purchase price, or of a guarantor or conditional guarantor of the obligation, under an agreement to pay any such indebtedness, or any balance thereof, in instalments over a period of not more than ten years, written under a policy issued, with or without medical examination, and made payable to such creditor or the assignee of the indebtedness, and insuring the life of each debtor for an amount not exceeding his individual indebtedness and not exceeding ten thousand dollars; provided, that not less than one hundred persons shall become insured under such a group policy each year after its date of issue; and provided, further, that no such debtor shall be included in such a group for a period of more than ten years on account of a debt arising out of said loan or an obligation for the said purchase price.

Approved March 24, 1958.

CHAP. 189. AN ACT ESTABLISHING THE PUNISHMENT FOR A SECOND OR SUBSEQUENT OFFENCE OF INDECENT ASSAULT AND BATTERY ON A CHILD UNDER THE AGE OF FOURTEEN.

Be it enacted, etc., as follows:

Section 13B of chapter 265 of the General Laws, inserted by chapter 299 of the acts of 1953, is hereby amended by inserting after the word "dollars", in line 5, the words: — ; and whoever commits a second or subsequent such offence shall be punished by imprisonment in the state prison for life or for any term of years, — so as to read as follows: — *Section 13B.* Whoever commits an indecent assault and battery on a child under the age of fourteen shall be punished by imprisonment in the state prison for not more than five years, or in jail for not more than two and one half years, or by a fine of not more than five hundred dollars; and whoever commits a second or subsequent such offence shall be punished by imprisonment in the state prison for life or for any term of years.

Approved March 24, 1958.

CHAP. 190. AN ACT PROVIDING THAT CERTAIN MOTOR BUSES MAY BE OPERATED ON THE WAYS OF THE COMMONWEALTH WITHOUT A SPECIAL PERMIT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 19B, as most recently amended by section 1 of chapter 258 of the acts of 1957, and inserting in place thereof the following section: — *Section 19B.* Notwithstanding the provisions of section nineteen or any other general or special law, a motor bus which has an

extreme over-all length in excess of thirty-five feet, but not in excess of forty feet, may be operated upon the ways of the commonwealth as designated by the department of public utilities; provided, that the width of any such motor bus shall not exceed the limits provided by section nineteen and the weight on any axle shall not exceed the limits provided by section nineteen A.

SECTION 2. Nothing contained in section nineteen B of chapter ninety of the General Laws shall affect or limit the authority granted the Metropolitan Transit Authority by chapter three hundred and ten of the acts of nineteen hundred and fifty-one, as amended by chapter one hundred and sixty-five of the acts of nineteen hundred and fifty-five.

Approved March 24, 1958.

CHAP. 191. AN ACT RELATIVE TO THE METHOD OF FILLING A VACANCY IN THE SCHOOL COMMITTEE OF THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter 680 of the acts of 1911 is hereby amended by striking out section 31, as amended by section 1 of chapter 196 of the acts of 1957, and inserting in place thereof the following section: — *Section 31.* If at any time a vacancy occurs in the school committee from any cause, the remaining members shall choose whichever of the defeated candidates for the office of school committee received the highest number of votes at the biennial municipal election held next prior thereto at which, in accordance with the provisions of section two of chapter fifty-four of the acts of nineteen hundred and forty-seven, four members of the school committee were to be elected for four year terms, who is eligible and willing to serve, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for the office of school committee member. Such person or persons shall serve until the end of the municipal year in which the order for the next biennial municipal election shall be issued; and at such election, a further vacancy, if any, shall be filled for the unexpired term, in the same manner in which the member whose office is vacant was elected.

SECTION 2. This act shall be submitted to the voters of the city of Chelsea at the next regular biennial municipal election in the form of the following question, which shall be placed upon the official ballot to be used in said city at said election: — “Shall an act passed by the general court in the year nineteen hundred and fifty-eight, entitled ‘An Act relative to the method of filling a vacancy in the school committee of the city of Chelsea’, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect on January first, nineteen hundred and sixty, but not otherwise.

Approved March 24, 1958.

CHAP. 192. AN ACT RELATIVE TO THE REMUNERATION OF CERTAIN CIVIL ENGINEERS EMPLOYED BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

§ Section 1 of chapter 245 of the acts of 1951 is hereby amended by striking out, in line 3, the words “, except the city of Boston”.

Approved March 24, 1958.

CHAP. 193. AN ACT EXTENDING THE TIME DURING WHICH THE TOWN OF SOMERSET MAY BORROW TO CONSTRUCT AND OPERATE A SYSTEM OR SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 17 of the acts of 1953 is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 8.* For the purpose of paying the necessary expenses and liabilities incurred under this act, the town may from time to time, within ten years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, two million, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Somerset Sewerage Loan, Act of 1953. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 2. This act shall take effect as of the effective date of chapter seventeen of the acts of nineteen hundred and fifty-three.

Approved March 24, 1958.

CHAP. 194. AN ACT PROHIBITING CERTAIN ELECTION OFFICERS ENGAGED IN THE COUNTING OF BALLOTS FROM HOLDING ANY MARKING DEVICE.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 80, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 80.* Except as authorized by this chapter, no voter, election officer or other person shall place on a ballot any mark by which it may be identified; nor shall any person place a mark against any name upon a ballot not cast by himself; nor shall any election officer engaged in counting ballots, except the election officer or officers actually entering the count of ballots cast on tally sheets, hold in either hand during the counting of ballots a pen, pencil or other marking device.

Approved March 24, 1958.

CHAP. 195. AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE TEMPORARY RESURFACING OF CERTAIN PRIVATE WAYS OPEN TO PUBLIC USE UPON PAYMENT OF ONE HALF THE COST BY CERTAIN ABUTTING OWNERS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 6F, inserted by section 1 of chapter 386 of the acts of 1953, the following section: — *Section 6G.* A city which accepts this section by vote of its city council subject to the provisions of its charter or a town which accepts the same at an annual town meeting may make temporary repairs on private ways which have been open to public use for six years or more, and in such cases section twenty-five of chapter eighty-four shall not apply. Such temporary repairs shall include only the

filling of holes in the subsurface of such ways and repairs to the surface materials thereof; and materials for such repairs shall, where practical, be the same as, or similar to, those used for the existing surfaces of such ways, but may include the oiling or tarring of said ways and the covering of such oil or tar with sand or gravel.

Such repairs shall not be undertaken until the city council in cities or an annual town meeting in towns shall declare that they are required by public necessity and convenience. Said temporary repairs shall not be undertaken unless and until the mayor and city council or the selectmen have in their possession agreements executed by all abutting owners to release and save the city or town harmless on account of any damage whatever caused by such repairs. Such agreements to release and save harmless being recorded in the registry of deeds for the district where the land is situated shall be deemed to be covenants running with the land and shall be binding upon all subsequent owners thereof.

A city acting through its city council and a town acting through its selectmen is hereby authorized to assess betterments upon the owners of estates which derive particular benefit or advantage from the making of such repairs on any such private way a sum equal, in the aggregate, to one half of the cost thereof and, in the case of each such estate, in proportion to the frontage thereof on such way.

Except as herein otherwise provided, the provisions of chapter eighty relating to public improvements and assessments therefor shall apply to temporary repairs to private ways ordered to be made under authority of this section; provided, that no assessment amounting to less than twenty-five dollars shall be apportioned and the number of equal portions into which any assessment may be apportioned shall not exceed five.

The provisions of sections six E and six F shall not apply in nor be accepted by any city or town which accepts this section.

Approved March 25, 1958.

CHAP. 196. AN ACT RELATIVE TO REPRESENTATIVE TOWN GOVERNMENT IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 202 of the acts of 1932, as amended by section 1 of chapter 226 of the acts of 1936, is hereby further amended by inserting after the word "be", in line 14, the words: — but not more than two hundred and forty, — so that the first sentence will read as follows: — The registered voters of each precinct in said town shall, at the next ensuing annual town election held after the acceptance of this act, and the registered voters of any precinct affected by any revision of precincts shall at the first annual town election following such revision, and conformably to the laws relative to elections not inconsistent with this act, elect by ballot from residents of the precinct town meeting members, to the largest number which is divisible by three and which will make the representation of such precinct in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be but not more than two hundred and forty.

SECTION 2. Said chapter 202 is hereby further amended by striking out section 5, as amended by section 2 of chapter 48 of the acts of 1938, and inserting in place thereof the following section: — *Section 5.* Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the board of registrars at least thirty-five days before the election and with the town clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least forty-two days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 3. Said chapter 202 is hereby further amended by striking out section 8 and inserting in place thereof the two following sections: — *Section 8.* In the event of any vacancy in the full number of town meeting members of any precinct arising from the failure of registered voters thereof to elect, it shall be filled, until the next annual election, by the remaining town meeting members of the precinct from the registered voters thereof. In that event the town clerk shall promptly call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exist for the purpose of filling the vacancy or vacancies. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum. The choice to fill the vacancy or vacancies shall be by ballot, and a majority of the votes cast shall be required for a choice. The town clerk shall preside at said meeting, count the ballots, make a certificate of the choice for his records and notify the person so chosen; and, upon receipt by the town clerk of a written acceptance by the person so chosen, that person shall be deemed elected and qualified as a town meeting member, subject to the right of all town meeting members to judge of the election and qualifications of the members as set forth in section four.

Section 8A. In the event of any vacancy in the full number of town meeting members of any precinct from any cause other than the failure of the registered voters thereof to elect, said vacancy shall be filled, until the next annual election, by the town clerk, if there are available one or more candidates for the office of town meeting member of said precinct at the preceding annual town election who failed of election, by choosing the person who received the highest number of votes as such a defeated candidate in said precinct, notifying such person of his election as a town meeting member and securing his written acceptance thereof. If for any reason the person so chosen cannot accept the office, the town clerk shall in like manner choose and notify the defeated candidate in said precinct receiving the next highest number of votes and so on until all vacancies are filled. In the event of a tie vote of those who received the highest votes as such defeated candidates, or in the event there is no such defeated candidate who can accept the office, the town clerk shall call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exist for the purpose of filling the vacancy or vacancies, until the next annual town election, from

among those having the tie votes or, if no tie is involved, from among the registered voters of the precinct. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in section eight.

SECTION 4. This act shall take effect upon its passage.

Approved March 25, 1958.

CHAP. 197. AN ACT VALIDATING CERTAIN ZONING BY-LAWS OF THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The zoning by-laws of the town of Southbridge, adopted during the years nineteen hundred and forty-five to nineteen hundred and fifty-five, inclusive, are hereby confirmed and made valid, notwithstanding the failure to comply with the provisions of section thirty-two of chapter forty or section nine of chapter forty A of the General Laws or with any other provision of law.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1958.

CHAP. 198. AN ACT FURTHER DEFINING "LAND ASSEMBLY AND REDEVELOPMENT PROJECT".

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the immediate substitution of a new definition of "Land assembly and redevelopment project", therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 26J of chapter 121 of the General Laws is hereby amended by striking out the definition of "Land assembly and redevelopment project", as amended by section 13 of chapter 647 of the acts of 1953, and inserting in place thereof the following definition: —

"Land assembly and redevelopment project", a project for (1) acquisition and assembly by a housing authority of the land (and buildings, structures and other improvements thereon, if any) within a decadent, sub-standard or blighted open area covered by a land assembly and redevelopment plan; (2) clearance, by the housing authority, of the land so acquired; (3) installation, construction or reconstruction of public and private ways, public utilities and services, and site improvements essential to the preparation of sites for uses in accordance with the land assembly and redevelopment plan; and (4) making the land available for redevelopment by private enterprise or public agencies (including sale, initial leasing or retention by the housing authority itself) for, in the case of sub-standard or decadent areas residential, recreational, commercial, industrial, public or other uses, and in the case of blighted open areas for residential, recreational, commercial or industrial uses in accordance with the land assembly and redevelopment plan. "Land assembly and redevelopment project" shall not include

the construction by the housing authority of any of the buildings, for residential or other use, contemplated by the land assembly and redevelopment plan.

The term "redevelopment" shall include development.

Approved March 25, 1958.

CHAP. 199. AN ACT PROVIDING THAT CITIES AND TOWNS MAY APPROPRIATE MONEY FOR THE PURPOSE OF AIDING REDEVELOPMENT AUTHORITIES.

Be it enacted, etc., as follows:

Section 26QQ of chapter 121 of the General Laws, as amended by section 1 of chapter 150 of the acts of 1957, is hereby further amended by inserting after the second paragraph the following paragraph: —

For the purpose of defraying the initial costs and annual administrative expenses of a redevelopment authority authorized to be organized therein, including the expense of preparing plans, making surveys, and the like, in connection with one or more proposed projects, a city or town with a valuation of less than five million dollars may annually appropriate not more than five thousand dollars; a city or town with a valuation of five million dollars but less than twenty million dollars may annually appropriate not more than seven thousand five hundred dollars; a city or town with a valuation of twenty million dollars but less than seventy-five million dollars may annually appropriate not more than ten thousand dollars; a city or town with a valuation of seventy-five million dollars but not more than one hundred and fifty million dollars may annually appropriate not more than twelve thousand five hundred dollars; and a city or town with a valuation of more than one hundred and fifty million dollars may annually appropriate not more than thirty thousand dollars. A city or town in which a redevelopment authority has been organized may also from time to time appropriate or agree to appropriate further sums of money for the purpose of aiding such redevelopment authority in the preparation of estimates, plans, orders of taking and contract documents in connection with proposed or approved land assembly and redevelopment projects and proposed or approved urban renewal projects. All moneys appropriated by a city or town under the preceding sentence shall be repaid by the redevelopment authority to such city or town if said authority subsequently receives other moneys available for the purpose for which such moneys are appropriated, but otherwise such moneys need not be repaid.

Approved March 25, 1958.

CHAP. 200. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO PROCEEDINGS INVOLVING NEGLECTED CHILDREN.

Be it enacted, etc., as follows:

Chapter 273 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 31 of chapter 319 of the acts of 1953, and inserting in place thereof the following section:—

Section 2. Proceedings under section one shall be begun, if in the

superior court, in the county in which is situated the place where the husband and wife last lived together or where the husband or wife or parent of the child is living, and, if begun in a district court, in the court having such place within its judicial district; provided, that such a proceeding for an offence committed within the territorial limits prescribed for the criminal jurisdiction of the municipal court of the city of Boston, if founded upon the same allegations as a proceeding under sections twenty-four to twenty-seven, inclusive, of chapter one hundred and nineteen, may be brought, heard and disposed of in the Boston juvenile court. Such a proceeding for an offence committed within the territorial limits prescribed for the criminal jurisdiction of any court other than the municipal court of the city of Boston, if founded upon the same allegations as a proceeding under said sections twenty-four to twenty-seven, inclusive, of said chapter one hundred and nineteen, may be heard and disposed of in the juvenile session of the court. Any parent placed on probation in such a proceeding in the Boston juvenile court shall at the request of the justice thereof be supervised by the probation officers of the municipal court of the city of Boston.

Approved March 25, 1958.

CHAP. 201. AN ACT TO CLARIFY THE SUBDIVISION CONTROL LAW RELATIVE TO THE DESIGNATION OF AN ASSOCIATE MEMBER OF THE BOARD OF APPEALS TO ACT IN THE ABSENCE OF A MEMBER OR UNTIL A VACANCY IS FILLED.

Be it enacted, etc., as follows:

The last paragraph of section 81Z of chapter 41 of the General Laws, as appearing in section 7 of chapter 674 of the acts of 1953, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Ordinances or by-laws adopted hereunder may provide for the appointment in like manner of associate members of the board of appeals; and the chairman of the board may designate any such associate member to sit on the board in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board may designate any such associate member to sit as a member of the board until said vacancy is filled in the manner provided in this section.

Approved March 25, 1958.

CHAP. 202. AN ACT TO CLARIFY THE ZONING ENABLING ACT RELATIVE TO THE DESIGNATION OF AN ASSOCIATE MEMBER OF THE BOARD OF APPEALS TO ACT IN THE ABSENCE OF A MEMBER OR UNTIL A VACANCY IS FILLED.

Be it enacted, etc., as follows:

Section 14 of chapter 40A of the General Laws is hereby amended by striking out the last sentence, as amended by section 1 of chapter 551 of the acts of 1954, and inserting in place thereof the following sentence: — Such ordinances or by-laws may provide for the appointment in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in

case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board may designate any such associate member to sit as a member of the board until said vacancy is filled in the manner provided in this section.

Approved March 25, 1958.

CHAP. 203. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO PAY T. FRANCIS KELLEHER A FEE FOR HIS SERVICES AS ATTORNEY FOR CERTAIN CITY EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Newburyport is hereby authorized to appropriate and pay a fee in an amount not exceeding five hundred dollars to T. Francis Kelleher for his services as attorney for the defendants in an action brought by Charles K. Morrill against Frank Hamel and Edward Butler, constables employed by said city, on account of the performance of their official duties as such constables.

SECTION 2. This act shall take effect upon its acceptance by the mayor and the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved March 25, 1958.

CHAP. 204. AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE ASSETS OF CERTAIN CORPORATIONS UPON PETITION TO THE SUPREME JUDICIAL OR SUPERIOR COURT.

Be it enacted, etc., as follows:

Chapter 155 of the General Laws is hereby amended by inserting after section 51, as appearing in the Tercentenary Edition, the following section: — *Section 51A.* At any time within the period of three years or the extension of such period by reason of the pendency of any suit, as provided in section fifty-one, such corporation may petition the supreme judicial or superior court for leave to distribute the whole or part of its assets to the stockholders entitled thereto, and, after notice by certified or registered mail to the commissioner of corporations and taxation and to all known creditors and by publication once a week for three successive weeks in a newspaper of general circulation published in the city or town in which the principal office of the corporation is located, or in the county if no such newspaper is published in said city or town, the court may, after hearing, upon a finding that the interests of creditors, if any, and those of the commonwealth, if any, are reasonably protected, enter a decree permitting such distribution; and the directors shall not be subject to the liability set forth in section thirty-seven of chapter one hundred and fifty-six, on account of their declaration or assent to a dividend, including one or more liquidating dividends, to the stockholders entitled thereto, in accordance with said decree.

Approved March 25, 1958.

CHAP. 205. AN ACT PROVIDING THAT CERTAIN PROVISIONS OF LAW RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS SHALL APPLY TO THE OFFICERS, EMPLOYEES AND MEMBERS OF THE SALEM AND BEVERLY WATER SUPPLY BOARD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty of chapter thirty-two of the General Laws, sections fifty-six to fifty-nine, inclusive, of said chapter thirty-two shall be applicable to the officers, employees and members of the Salem and Beverly Water Supply Board; provided, that no veteran whose employment first began after June thirtieth, nineteen hundred and thirty-nine, shall be subject to the provisions of said sections fifty-six to fifty-nine, inclusive.

SECTION 2. This act shall take effect upon its acceptance on or before December thirty-first, nineteen hundred and fifty-eight by a vote of the Salem and Beverly Water Supply Board.

Approved March 25, 1958.

CHAP. 206. AN ACT RELATIVE TO THE SUBMISSION OF A PRELIMINARY PLAN UNDER THE SUBDIVISION CONTROL LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 81L of chapter 41 of the General Laws is hereby amended by inserting after the paragraph defining "Planning board", as appearing in section 7 of chapter 674 of the acts of 1953, the following paragraph: —

"Preliminary plan" shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

SECTION 2. Said chapter 41 is hereby further amended by striking out section 81S, as amended by section 2 of chapter 138 of the acts of 1957, and inserting in place thereof the following section: — *Section 81S.* Any person, before submitting his definitive plan for approval, may submit to the planning board and to the board of health a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Each board shall tentatively approve such preliminary plan with or without modifications suggested by it or agreed upon by the person submitting the plan or shall disapprove such preliminary plan, and, in the case of disapproval, shall state its reasons therefor. Except as is otherwise expressly provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds shall record a preliminary plan.

SECTION 3. Section 81Q of said chapter 41, as most recently amended by chapter 139 of the acts of 1957, is hereby further amended by adding at the end the following sentence: — When a preliminary plan referred to in section eighty-one S has been submitted to a planning board, and written notice of the submission of such plan has been given to the city or town clerk, such preliminary plan and the definitive plan evolved therefrom shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted.

Approved March 25, 1958.

CHAP. 207. AN ACT FURTHER REGULATING THE RECORDING OF PLANS UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

Section 81X of chapter 41 of the General Laws, as appearing in section 7 of chapter 674 of the acts of 1953, is hereby amended by inserting after the word “board”, in line 7, the words: — , and a certificate by the clerk of such city or town, is endorsed on the plan, or is separately recorded and referred to on said plan, that no notice of appeal was received during the twenty days next after receipt and recording of notice from the planning board of the approval of the plan,.

Approved March 25, 1958.

CHAP. 208. AN ACT FURTHER REGULATING THE GRANTING OF LICENSES TO CONDUCT HORSE OR DOG RACING MEETINGS AT STATE OR COUNTY FAIRS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 128A of the General Laws, as appearing in section 3 of chapter 374 of the acts of 1934, is hereby amended by adding at the end the following definition: —

“State or county fair” shall mean any fair or exhibition for the encouragement or extension of agriculture.

SECTION 2. Section 3 of said chapter 128A is hereby amended by striking out the first paragraph, as most recently amended by chapter 269 of the acts of 1943, and inserting in place thereof the following paragraph: —

If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application; provided, that if the commission has already taken action on an application for any calendar year, after such notice and public hearing, no other public hearing need be granted on any other application from the same applicant relating to the same premises filed prior to the expiration of said year; and provided, further, that on an application for a license to conduct a horse or dog racing meeting in connection with a state or county fair by an applicant which has not operated a horse or dog racing

meeting under the provisions of this chapter prior to July first, nineteen hundred and fifty-eight, the applicant shall show (1) that the state or county fair at which such racing meeting is to be held has operated for a period of at least five consecutive years; (2) that said fair has received financial assistance from the agricultural purpose fund for the same period of time; and (3) a certificate from the commissioner of agriculture that said fair is properly qualified and approved by him; and provided, further, that no hearing need be held on any application for a license to conduct a horse or dog racing meeting in connection with a state or county fair, unless a request signed by at least one per cent of the registered voters of the city or town in which the track is located is filed with the commission at least thirty days prior to the first day on which the racing meeting requested is proposed to be held. In determining whether a fair is properly qualified under this paragraph, the commissioner of agriculture shall consider the number of days such fair has operated each previous year, the area of the land used for fair purposes, the number of entries in agricultural show events in previous years, the number and value of prizes offered in such events and whether or not the granting of a racing license would tend to promote the agricultural purposes of the fair.

SECTION 3. This act shall take effect on July first, nineteen hundred and fifty-eight.

Approved March 28, 1958.

CHAP. 209. AN ACT AUTHORIZING THE TRUSTEES OF ST. MARK'S SCHOOL TO HOLD ADDITIONAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith the amount of property which the Trustees of St. Mark's School may hold, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The Trustees of St. Mark's School, a corporation incorporated by chapter one hundred and six of the acts of eighteen hundred and sixty-five, are hereby authorized to hold real and personal estate to an amount not to exceed fifteen million dollars.

Approved March 28, 1958.

CHAP. 210. AN ACT AUTHORIZING BRADFORD JUNIOR COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Bradford Junior College to hold additional real and personal estate, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 329 of the acts of 1869 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* Bradford Junior College, formerly known as Bradford Academy, is hereby authorized to hold by gift, grant, devise or otherwise, for the purposes of education, real and personal estate to an amount not exceeding ten million dollars.

Approved March 28, 1958.

CHAP. 211. AN ACT AUTHORIZING THE CITY OF WORCESTER TO GRANT PERMISSION TO THE B & B REALTY CORPORATION TO INSTALL CERTAIN CONDUIT AND PIPING UNDER GRACE STREET IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to grant permission to B & B Realty Corporation to install the necessary conduit and piping under Grace street in said city, in order to connect a proposed anhydrous ammonia storage tank to be located on the westerly side of said Grace street and belonging to The Presmet Corporation, tenant of said B & B Realty Corporation, with the premises of said B & B Realty Corporation located on the easterly side of said Grace street and said city of Worcester is further authorized to grant permission to The Presmet Corporation to transport anhydrous ammonia through said conduit and piping.

SECTION 2. The action taken by the city council of the city of Worcester on November fourth, nineteen hundred and fifty-seven, in adopting an order granting permission to the said B & B Realty Corporation and to The Presmet Corporation, pursuant to the authority contained in section one of this act, is hereby validated and confirmed, and any action taken pursuant to said order is hereby validated and confirmed, as though this act had been in full force and effect at the time said order was adopted.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1958.

CHAP. 212. AN ACT PROVIDING FOR STUDIES AND ESTIMATES OF COST BY THE METROPOLITAN TRANSIT AUTHORITY RELATIVE TO ALTERATIONS AND EXTENSIONS OF SUBWAY AND RAPID TRANSIT FACILITIES IN BOSTON IN CONNECTION WITH THE PRUDENTIAL DEVELOPMENT, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. The Metropolitan Transit Authority, hereinafter referred to as the authority, is hereby authorized to make studies, preliminary plans and estimates of cost for extensions and alterations of its subway and rapid transit facilities which may become necessary or advisable on account of the construction of the Prudential Development, so called, in the Back Bay area of the city of Boston which lies between Boylston street on the north, Belvidere street and Huntington avenue on the south, Massachusetts avenue on the west, and Exeter street on the east. For the purpose of making surveys and borings in connection with said studies, preliminary plans and estimates of cost the authority may enter upon and use public and private ways and lands. Any person injured in his property by such entry or use of his land by the authority may recover his damages under chapter seventy-nine of the General Laws.

SECTION 2. For the purpose of providing funds for, or of restoring to the treasury of the authority funds expended for the purposes of this act, the authority may from time to time issue, and the Boston metropolitan district, hereinafter referred to as the district, shall purchase, bonds of the authority to a total principal amount not exceeding one

hundred and fifty thousand dollars under and in accordance with section six of chapter six hundred and forty-nine of the acts of nineteen hundred and forty-nine, as amended. All of the provisions of said section six and of section seven of said chapter six hundred and forty-nine, as now or hereafter amended, shall apply to the issue, refunding and payment of the bonds which the authority and the district are authorized to issue by this act in the same manner and to the same extent as though the issue of such bonds was specifically authorized by said section six. The provisions of section six A of said chapter six hundred and forty-nine shall not apply to the work authorized by this act.

SECTION 3. The trustees of the authority shall file with the clerk of the house of representatives, on or before the fourth Wednesday of January, nineteen hundred and fifty-nine, a final report with reference to said studies, preliminary plans and estimates of cost, together with drafts of any necessary legislation.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1958.

CHAP. 213. AN ACT DECLARING VOID EXCULPATORY PROVISIONS
CONTAINED IN A PASS BOOK ISSUED BY A BANK.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to immediately protect depositors in banks, credit unions and savings and loan associations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by inserting after section 53 the following section:— *Section 53A.* Any agreement between a depositor, certificate holder or shareholder and any bank, credit union or savings and loan association doing business in this commonwealth which exculpates such bank, credit union or savings and loan association when a deposit or share account, or any part thereof, is paid by such bank, credit union or savings and loan association to a person unlawfully presenting a pass book, certificate or other evidence of such account is hereby declared to be contrary to public policy and void.

SECTION 2. The provisions of this act shall apply only to agreements entered into after its effective date.

Approved March 28, 1958.

CHAP. 214. AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND
INDUSTRIES TO SUSPEND THE OPERATION OF CERTAIN
LABOR LAWS.

Be it enacted, etc., as follows:

The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and fifty-nine, the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment

of women, or of minors over the age of sixteen, or both. The commissioner shall exercise this authority when he finds, after opportunity has been given to interested parties to be heard, that an emergency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify the suspension of any provision of such laws, rules or regulations. Suspensions issued by the commissioner shall prescribe, and may be either granted or limited to, one or more particular departments, operations or occupations within an establishment, or a particular industry or branch of an industry. The commissioner shall appoint industry advisory committees, on which employers and employees shall be equally represented, to consult and advise with him in matters relating to the suspensions authorized by this act.

Approved March 28, 1958.

CHAP. 215. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO LEVY ASSESSMENTS AGAINST OWNERS OF LAND ABUTTING ON THAT PORTION OF ANY STREET IN WHICH SEWERS ARE LAID.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 502 of the acts of 1954 is hereby amended by striking out the third sentence and inserting in place thereof the following two sentences: — Assessments shall be made upon owners of land abutting on that portion of any street in which sewers are laid. Annual charges shall be paid by every person who enters his particular sewer therein.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the town meeting members voting thereon at an annual or special town meeting called for the purpose. For purposes of acceptance only this act shall take effect upon its passage.

Approved March 31, 1958.

CHAP. 216. AN ACT AUTHORIZING THE SOUTH ESSEX SEWERAGE DISTRICT TO PAY THE UNEXPENDED BALANCE OF A CERTAIN BOND ISSUE TO THE CITY OF SALEM AND THE CITY OF PEABODY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter three hundred and thirty-nine of the acts of nineteen hundred and twenty-five, chapter four hundred and thirty-one of the acts of nineteen hundred and forty-five, chapter one hundred and sixty-eight of the acts of nineteen hundred and forty-eight, and chapter forty-four of the General Laws, the South Essex sewerage district acting by its treasurer is hereby authorized to pay to the city of Salem and to the city of Peabody the balance remaining in the fund derived from the South Essex Sewerage District Loan, Act of 1945 in the proportions in which said cities are assessed for the payments thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1958.

CHAP. 217. AN ACT INCREASING THE PENALTY AND PROVIDING FOR THE ISSUANCE OF AN INJUNCTION FOR VIOLATION OF THE LAWS RELATIVE TO DECEPTIVE ADVERTISING OF MERCHANDISE FOR SALE.

Be it enacted, etc., as follows:

SECTION 1. Section 91 of chapter 266 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 17 and 18, the words "ten nor more than five hundred" and inserting in place thereof the words: — five hundred nor more than one thousand, — so as to read as follows: — *Section 91.* Any person who, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the commonwealth, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not less than five hundred nor more than one thousand dollars; provided, that this section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement.

SECTION 2. Section 91A of chapter 266 of the General Laws, inserted by chapter 250 of the acts of 1953, is hereby amended by striking out, in line 13, the words "ten nor more than five hundred dollars" and inserting in place thereof the words: — five hundred nor more than one thousand dollars or by imprisonment for not more than one year, — so as to read as follows: — *Section 91A.* Any person who offers for sale merchandise, commodities or service by making, publishing, disseminating, circulating or placing before the public within the commonwealth, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement describing the said merchandise, commodities or service, as part of a plan or scheme with the intent not to sell said merchandise, commodities or service so advertised at the price stated therein, or with intent not to sell said merchandise, commodities or service so advertised, shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not more than one year.

SECTION 3. Chapter 266 of the General Laws is hereby further amended by inserting after said section 91A the following section: —

Section 91B. Any person offering for sale merchandise, commodities or service by making, publishing, disseminating, circulating or placing before the public within the commonwealth in any manner an advertisement of merchandise, commodities, or service, with the intent, design or purpose not to sell the merchandise, commodities, or service so advertised at the price stated therein or otherwise communicated, or with the intent not to sell the merchandise, commodities, or service so advertised, may be enjoined from such advertising by a bill in equity in the superior court brought by the attorney general or any aggrieved party; provided, however, that the provisions of this section shall not apply to any medium for the printing, publishing, or disseminating of advertising, or any owner, agent or employee thereof, nor to any advertising agency or owner, agent or employee thereof, nor to any radio or television station, or owner, agent, or employee thereof, for printing, publishing, or disseminating or causing to be printed, published, or disseminated such advertisement in good faith and without knowledge of the deceptive character thereof.

Approved March 31, 1958.

CHAP. 218. AN ACT INCREASING THE AMOUNT OF FUNDS WHICH THE LANCASTER SEWER DISTRICT MAY BORROW.

Be it enacted, etc., as follows:

Section 8 of chapter 43 of the acts of 1952, as amended by chapter 513 of the acts of 1957, is hereby further amended by striking out, in line 5, the word "three" and inserting in place thereof the word:—six,— so as to read as follows:— *Section 8.* For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within ten years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, six hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lancaster Sewer District Sewerage Loan, Act of 1952. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

Approved March 31, 1958.

CHAP. 219. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE TOWN OF BOURNE MAY EXPEND FOR ADVERTISING PURPOSES.

Be it enacted, etc., as follows:

Section 1 of chapter 124 of the acts of 1952 is hereby amended by striking out, in line 2, the word "three" and inserting in place thereof the word:— five,— so as to read as follows:— *Section 1.* The town of Bourne may annually appropriate a sum, not exceeding five thousand dollars, for the purpose of advertising the advantages of the town, with special reference to its facilities for summer vacation, recreation, seashore, residential and small manufacturing purposes. The money so appropriated shall be expended under the direction of the selectmen.

Approved March 31, 1958.

CHAP. 220. AN ACT FURTHER INCREASING THE MAXIMUM AMOUNT OF MONEY WHICH THE CITY OF MALDEN MAY BORROW FOR THE PURPOSE OF CONSTRUCTING A PUBLIC PARKING PLACE.

Be it enacted, etc., as follows:

The second sentence of section 1 of chapter 600 of the acts of 1954, as amended by chapter 59 of the acts of 1955, is hereby further amended by striking out, in line 5, the words "four hundred" and inserting in place thereof the words: — seven hundred and sixty, — so as to read as follows: — Said city may for the purposes of this act borrow, from time to time, within a period of ten years from the passage of this act, such sums as may be necessary, not exceeding in the aggregate seven hundred and sixty thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, City of Malden, Public Parking Loan, Act of 1954.

Approved March 31, 1958.

CHAP. 221. AN ACT AUTHORIZING THE CITY OF MALDEN TO PAY A SUM OF MONEY TO WILLIAM CALLAHAN.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden is hereby authorized to appropriate and pay to William Callahan, a former member of the police department of said city, the sum of twenty-four hundred and thirty dollars and sixty-seven cents for salary for the period from March seventh, nineteen hundred and fifty-six, to October second, nineteen hundred and fifty-six, during which time the said William Callahan was disabled on account of injuries received in the performance of his duties.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Malden.

Approved March 31, 1958.

CHAP. 222. AN ACT INCREASING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.

Be it enacted, etc., as follows:

Chapter 103 of the General Laws is hereby amended by striking out section 31, as amended by chapter 41 of the acts of 1953, and inserting in place thereof the following section: — *Section 31.* Rates of pilotage outward and inward for the port of Boston, calculated per foot of draught, shall be as follows: — four dollars and fifty cents for vessels not over five hundred tons; five dollars for vessels over five hundred tons and not over one thousand tons; five dollars and fifty cents for vessels over one thousand tons and not over fifteen hundred tons; six dollars for vessels over fifteen hundred tons and not over two thousand tons; six dollars and fifty cents for vessels over two thousand tons. The tonnage herein specified shall mean the net registered tonnage.

Vessels inward bound from the sea or outward bound from the port, which are detained over twenty-four hours in the vicinity of President Roads, shall pay, in addition to the rates herein specified, fifty per cent thereof, unless such vessel is so detained by fog or stress of weather.

For shifting a vessel from one dock to another in the upper harbor, the pilotage rate shall be twenty-five dollars.

Approved March 31, 1958.

- CHAP. 223. AN ACT GIVING PROBATE COURTS CONCURRENT JURISDICTION IN EQUITY OF CONTROVERSIES OVER PROPERTY BETWEEN PERSONS WHO HAVE BEEN DIVORCED.

Be it enacted, etc., as follows:

Section 6 of chapter 215 of the General Laws, as most recently amended by section 2 of chapter 556 of the acts of 1954, is hereby further amended by inserting after the second sentence the following sentence: — They shall, after the divorce decree has become absolute, also have concurrent jurisdiction in equity of controversies over property between persons who have been divorced.

Approved March 31, 1958.

- CHAP. 224. AN ACT DESIGNATING THE BRIDGE BETWEEN THE CITY OF HOLYOKE AND THE TOWN OF SOUTH HADLEY AS THE SERGEANT JOSEPH E. MULLER BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge connecting the city of Holyoke and the town of South Hadley shall be known and designated as the Sergeant Joseph E. Muller bridge, and a suitable marker bearing said designation shall be erected and maintained on said bridge by the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1958.

- CHAP. 225. AN ACT DESIGNATING THE BRIDGE OVER THE FURNACE BROOK PARKWAY IN THE CITY OF QUINCY AS THE STAFF SERGEANT MATTHEW PAUL DELUCA MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on the Southeast Expressway constructed over the Furnace Brook Parkway in the city of Quincy shall be known and designated as the Staff Sergeant Matthew Paul DeLuca Memorial Bridge in commemoration of Staff Sergeant Matthew Paul DeLuca, who was killed in action in World War II, while a member of the United States army. A suitable marker bearing said designation shall be erected on said bridge by the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1958.

- CHAP. 226. AN ACT DESIGNATING THE BRIDGE ON UPTON STREET IN THE CITY OF QUINCY AS THE JAMES E. KEENAN MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge constructed on Upton street in the city of Quincy shall be known and designated as the James E. Keenan Memorial bridge in commemoration of Staff Sergeant James E. Keenan, a member of the United States Air Force, who was killed in action in World War II.

A suitable marker bearing said designation shall be erected on said bridge by the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1958.

CHAP. 227. AN ACT DESIGNATING THE BRIDGE CONSTRUCTED OVER WILLARD STREET IN QUINCY AS THE P.F.C DANIEL MARINI BRIDGE.

Be it enacted, etc., as follows:

The bridge constructed over Willard street in the West Quincy district of the city of Quincy shall be known and designated as the P.F.C. Daniel Marini Bridge, and a suitable marker bearing said designation shall be attached to said bridge and thereafter maintained thereon by the department of public works.

Approved April 1, 1958.

CHAP. 228. AN ACT DESIGNATING A PORTION OF THE SOUTHEAST EXPRESSWAY IN QUINCY AS THE P.F.C. ROGER F. SCHNEIDER OVERPASS.

Be it enacted, etc., as follows:

That portion of the Southeast Expressway which passes over West street in the West Quincy district of the city of Quincy shall be known and designated as the P.F.C. Roger F. Schneider Overpass, and a suitable marker bearing said designation shall be attached to said overpass and thereafter maintained thereon by the department of public works.

Approved April 1, 1958.

CHAP. 229. AN ACT FURTHER REGULATING THE HOURS FOR HOLDING RUNNING HORSE RACING MEETINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 128A of the General Laws is hereby amended by striking out subsection (5), as amended by section 1 of chapter 575 of the acts of 1946, and inserting in place thereof the following subsection: —

(5) The hours of each day between which it is intended to hold or conduct racing at such meeting, which hours shall be not before ten o'clock ante meridian for horse racing and not before seven o'clock post meridian for dog racing nor later than seven o'clock post meridian for running horse racing nor later than twelve o'clock midnight for harness horse racing and dog racing.

SECTION 2. Section 3 of said chapter 128A is hereby amended by striking out clause (b), as amended by section 2 of said chapter 575, and inserting in place thereof the following clause: —

(b) Such a meeting as may be for running horses shall be between the hours of ten o'clock ante meridian and seven o'clock post meridian only, and such a meeting as may be for harness horses may be between twelve o'clock noon and seven o'clock post meridian or between seven o'clock post meridian and twelve o'clock midnight.

Approved April 1, 1958.

CHAP. 230. AN ACT REQUIRING THE CHAIRMAN OF THE STATE COMMITTEE OF A POLITICAL PARTY TO ISSUE A CALL FOR A STATE CONVENTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide forthwith that a member of a political party may petition the superior court to compel the state chairman thereof to call a state convention, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 54 of chapter 53 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 278 of the acts of 1957, and inserting in place thereof the following two sentences: — The chairman of the state committee of a political party shall issue a call on or before the first Wednesday in May to hold a state convention, to be held not earlier than June fifth and not later than June twentieth, in a year in which a biennial state election is held, for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by the convention, and endorsing for nomination candidates for offices to be filled by all the voters of the commonwealth, to be voted for at the ensuing state primary, and for such other purposes consistent with law as the convention may determine. If the said chairman fails to issue a call on or before the first Wednesday in May for the holding of such convention, ten voters enrolled in the party may petition the superior court to compel said chairman to issue said call.

Approved April 2, 1958.

CHAP. 231. AN ACT AUTHORIZING A CANDIDATE FOR PUBLIC OFFICE OR HIS REPRESENTATIVE TO CHECK THE VOTE RECORDED ON EACH VOTING MACHINE IN EACH PRECINCT IN THE CITY OF BOSTON IN WHICH THE NAME OF SAID CANDIDATE APPEARS ON THE BALLOT.

Be it enacted, etc., as follows:

SECTION 1. A candidate for public office or his representative duly authorized in writing shall, within one hour after the official vote for said office has been announced by the presiding officer, be permitted to examine and check the vote recorded on voting machines in any precinct in the city of Boston in which the name of said candidate has appeared on the ballot.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1958.

CHAP. 232. AN ACT ESTABLISHING THE TYNGSBOROUGH WATER DISTRICT IN THE TOWN OF TYNGSBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Tyngsborough, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit: — Beginning at a point in the

westerly bank of the Merrimack river on the boundary line of the town of Tyngsborough and Chelmsford; thence running westerly along said boundary line to a point near the intersection of Worden road and Tyng road in said town of Tyngsborough; thence southerly by said boundary line to a point; thence running in a westerly direction five hundred feet southerly of and parallel to said Worden road to the boundary line of the towns of Tyngsborough and Chelmsford; thence running along said boundary line in a northwesterly direction to the point where the town of Westford boundary joins that of the town of Tyngsborough; thence running northeasterly in a line which is a prolongation of the boundary line of the towns of Westford and Tyngsborough to a point on the westerly bank of the Merrimack river; thence running southeasterly by said westerly bank of the Merrimack river to the point of beginning, shall constitute a water district and are hereby made a body corporate by the name of the Tyngsborough Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, and may contract for the installation and maintenance of water mains, hydrants and such other works as may be required, authority to furnish the same and to enter into such contract being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the water, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Tyngsborough and not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. The district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings,

fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroad, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such land, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Tyngsborough. The district shall not enter upon, or construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The district may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine, but the right to damages for the taking of any water, water right, or water source or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than the expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Tyngsborough Water District Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Tyngsborough annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be

managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 9. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration

of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 10. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. In case the district shall contract with the North Chelmsford Water District pursuant to the provisions of section two, the rates for the use of water shall be such as may be agreed upon by the board of water commissioners of the Tyngsborough Water District and the board of water commissioners of the North Chelmsford Water District and in case of failure to agree, as may be fixed by the department of public utilities. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 13. Upon a petition in writing addressed to said board of water commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including such real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority of the voters of the territory included within said district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved April 3, 1958.

CHAP. 233. AN ACT AUTHORIZING THE CITY OF LOWELL TO PROVIDE A RECREATIONAL AND MEETING PLACE FOR THE AGING.

Be it enacted, etc., as follows:

SECTION 1. In addition to the appropriation authorized under the provisions of clause (49) of section five of chapter forty of the General Laws, the city of Lowell may, in the current year, appropriate and expend a sum not to exceed twenty-five hundred dollars for the purpose of providing a recreational and meeting place for the aging.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved April 3, 1958.

CHAP. 234. AN ACT ENABLING THE TAKING OF LAND FOR THE NON-PAYMENT OF EXPENSES INCURRED BY THE BUILDING COMMISSIONER OF THE CITY OF BOSTON IN MAKING SECURE OR REMOVING CERTAIN BUILDINGS.

Be it enacted, etc., as follows:

Paragraph (e) of section 116 of chapter 479 of the acts of 1938 is hereby amended by striking out the last two sentences and inserting in place thereof the following two sentences: — Such lien may be dis-

solved by filing for record in such registry of deeds or with said assistant recorder, as the case may be, a certificate from the collector-treasurer that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. The collector-treasurer shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply.

Approved April 3, 1958.

CHAP. 235. AN ACT DESIGNATING THE TRAFFIC CIRCLE AT THE JUNCTION OF STATE HIGHWAY 140 AND ACUSHNET AVENUE IN THE CITY OF NEW BEDFORD AS THE MARK ANTHONY DIAS CIRCLE.

Be it enacted, etc., as follows:

The traffic circle located at the junction of state highway 140 and Acushnet avenue in the city of New Bedford shall be known and designated as the Mark Anthony Dias traffic circle, in commemoration of Mark Anthony Dias, who was killed in action in nineteen hundred and forty-three while a member of the United States navy, and a suitable marker bearing said designation shall be erected at said traffic circle and thereafter maintained thereon by the department of public works.

Approved April 3, 1958.

CHAP. 236. AN ACT EXTENDING THE TERM FOR WHICH A COMMISSIONER OF VETERANS' SERVICES SHALL BE APPOINTED.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 22 of chapter 6 of the General Laws, as amended by section 1 of chapter 196 of the acts of 1956, is hereby further amended by striking out, in line 4, the word "three" and inserting in place thereof the word: — five.

SECTION 2. This act shall apply to the term of the commissioner of veterans' services holding office upon its effective date and the term of said commissioner is hereby extended for an additional two years.

Approved April 3, 1958.

CHAP. 237. AN ACT AUTHORIZING THE LICENSE COMMISSION OF THE CITY OF MALDEN TO ISSUE TO LT. DEXTER W. CLIFFORD CHAPTER NO. 85 DISABLED AMERICAN VETERANS A LICENSE TO SELL ALL ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixteen C of chapter one hundred and thirty-eight of the General Laws, the license commission of the city of Malden is hereby authorized to issue to Lt. Dexter W. Clifford Chapter No. 85 Disabled American Veterans a license to sell all alcoholic beverages to be drunk on its premises.

Approved April 7, 1958.

CHAP. 238. AN ACT CONSOLIDATING AND MAKING UNIFORM THE PROVISIONS OF LAW RELATIVE TO ACTIONS FOR DEATH AND THE AMOUNT OF DAMAGES RECOVERABLE THEREFOR EXCEPT IN ACTIONS FOR DEATH RESULTING FROM A DEFECTIVE WAY, AND MAKING SUNDRY OTHER CHANGES IN SAID LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 229 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 427 of the acts of 1949, and inserting in place thereof the following section: — *Section 2.* A person who (1) by his negligence causes the death of a person in the exercise of due care, or (2) by wilful, wanton or reckless act causes the death of a person under such circumstances that the deceased could have recovered damages for personal injuries if his death had not resulted, or (3) operates a common carrier of passengers and by his negligence causes the death of a passenger, or (4) operates a common carrier of passengers and by his wilful, wanton or reckless act causes the death of a passenger under such circumstances that the deceased could have recovered damages for personal injuries if his death had not resulted, shall be liable in damages in the sum of not less than two thousand nor more than twenty thousand dollars, to be assessed with reference to the degree of his culpability and distributed as provided in section one; except that (1) the liability of an employer to a person in his employment shall not be governed by this section, (2) a person operating a railroad shall not be liable for negligence in causing the death of a person while walking or being upon such railroad contrary to law or to the reasonable rules and regulations of the carrier, and (3) a person operating a street railway or electric railroad shall not be liable for negligence for causing the death of a person while walking or being upon that part of the street railway or electric railroad not within the limits of a highway. A person shall be liable for the negligence or the wilful, wanton or reckless act of his agents or servants while engaged in his business to the same extent and subject to the same limits as he would be liable under this section for his own act, except that the damages shall be assessed with reference to the degree of culpability of his agents or servants. Damages under this section shall be recovered in an action of tort by the executor or administrator of the deceased. No recovery shall be had under this section for a death which does not occur within two years after the injury which caused the death. An action to recover damages under this section shall be commenced within one year from the date of death or within such time thereafter as is provided by sections four, four B, nine or ten of chapter two hundred and sixty.

SECTION 2. Section 2A of said chapter 229, inserted by section 3 of said chapter 427, is hereby repealed.

SECTION 3. Section 2C of said chapter 229 is hereby repealed.

SECTION 4. Said chapter 229 is hereby further amended by striking out section 5A, as most recently amended by section 4 of chapter 427 of the acts of 1949, and inserting in place thereof the following section: — *Section 5A.* The causing of a death under such circumstances as would create liability under section one, two or two B on the part of a person, if alive at the time of such death, shall create a like liability on

his part if such death occurs after his own death and such liability may be enforced against the executor or administrator of his estate, subject to all provisions of law otherwise applicable.

SECTION 5. Said chapter 229 is hereby further amended by striking out section 6, as most recently amended by section 5 of said chapter 427, and inserting in place thereof the following section: — *Section 6.* In any civil action brought under section two or five A, damages may be recovered under a separate count at common law for conscious suffering resulting from the same injury, but any sum so recovered shall be held and disposed of by the executors or administrators as assets of the estate of the deceased.

SECTION 6. Said chapter 229 is hereby further amended by striking out sections 6A and 6B, as most recently amended by section 6 of said chapter 427, and inserting in place thereof the two following sections: — *Section 6A.* All sums recovered under section one, two, two B or five A shall, if and to the extent that the assets of the estate of the deceased shall be insufficient to satisfy the same, be subject to the charges of administration and funeral expenses of said estate, to all medical and hospital expenses necessitated by the injury which caused the death, and to reasonable attorneys' fees incurred in such recovery.

Section 6B. In the event that any sum recovered under section one, two, five A or six comes into the hands of the executor or administrator of the deceased after the expiration of one year from the time of his giving bond, such sum shall be treated as new assets of the estate of the deceased within the meaning of section eleven of chapter one hundred and ninety-seven.

SECTION 7. Section 6E of said chapter 229, inserted by section 7 of said chapter 427, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The amount of damages which may be awarded in an action brought under section two B shall not be less than two thousand nor more than twenty thousand dollars.

SECTION 8. Said chapter 229 is hereby further amended by striking out section 6F, as so inserted, and inserting in place thereof the following section: — *Section 6F.* An action under section two B or section six C shall be subject to all the provisions of section six of chapter one hundred and fifty-three relative to notice to the employer of the time, place and cause of injury, and the time within which the action shall be commenced; provided, however, that the time for bringing an action under either of said sections to recover for the death of an employee who dies within two years after the injury which caused the death shall never be less than one year from the date of death, or such period thereafter as is provided by sections four, four B, nine or ten of chapter two hundred and sixty.

SECTION 9. Chapter 160 of the General Laws is hereby amended by striking out section 232, as most recently amended by section 10 of said chapter 427, and inserting in place thereof the following section: — *Section 232.* If a person is injured in his person or property by collision with the engines or cars or rail-borne motor cars of a railroad corporation at a crossing such as is described in section one hundred and thirty-eight, and it appears that the corporation neglected to give the signals required by said section or to give signals by such means or in such manner as may be prescribed by orders of the department, and that such

neglect contributed to the injury, the corporation shall be liable for all damages caused by the collision, or, if the life of a person so injured is lost, to damages recoverable in tort, as provided in section two of chapter two hundred and twenty-nine, unless it is shown that, in addition to a mere want of ordinary care, the person injured or the person who had charge of his person or property was, at the time of the collision, guilty of gross or wilful negligence, or was acting in violation of the law, and that such gross or wilful negligence or unlawful act contributed to the injury.

SECTION 10. This act shall take effect on January first, nineteen hundred and fifty-nine, and shall apply only to actions for death resulting from injuries sustained or accidents occurring on or after said date. The provisions of law applicable to actions for death, as in effect from time to time prior to the effective date of this act, shall continue to be applicable to such actions resulting from injuries which were sustained or accidents which occurred prior to the effective date of this act, in accordance with such provisions as in effect at the time the injury was sustained or the accident occurred.

Approved April 7, 1958.

CHAP. 239. AN ACT RELATIVE TO THE JURISDICTION AND ENFORCEMENT OF SUPPORT ORDERS AND THE TRANSFER OF PROCEEDINGS UNDER THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 273A of the General Laws is hereby amended by striking out section 6, as appearing in section 1 of chapter 556 of the acts of 1954, and inserting in place thereof the following section:—

Section 6. The duty of support shall be enforceable by petition filed in a district court, irrespective of the relationship between the obligor and the obligee. Any proceeding hereunder shall be commenced in a district court within whose judicial district the obligee is an inhabitant or a resident. The court shall enforce all duties of support under this chapter notwithstanding that another court in the commonwealth or in any other state has made a support order and has continuing jurisdiction.

SECTION 2. Said chapter 273A is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:— *Section 10.* When the commonwealth is a responding state, and the court finds a duty of support, it may order the respondent to furnish support or reimbursement therefor in a reasonable amount, and subject the property of the respondent to such order. All other courts of the commonwealth shall likewise enforce the order and upon doing so shall inform the court first making the order.

SECTION 3. Said chapter 273A is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:— *Section 12.* In addition to the foregoing powers, the court, when the commonwealth is a responding state, may subject the respondent to such terms and conditions as it deems proper to assure compliance with its orders, and may require the respondent to make payments at specified intervals to a probation officer assigned by the court, and punish a respondent who violates any order of the court to

the same extent as is provided by law for contempt in any other suit or proceeding. If the court is unable to find the respondent or his property within its judicial district but discovers that the respondent or his property may be found in the judicial district of another court in the commonwealth, the court may forward the papers received from the court of the initiating state to such other court and shall inform the court in the initiating state that it has done so. Thereupon such other court shall give a receipt for the papers and thereafter have the duties imposed by this chapter.

Approved April 7, 1958.

CHAP. 240. AN ACT AUTHORIZING THE ACQUISITION OF LAND BY PURCHASE OR OTHERWISE WHEN NECESSARY IN LAYING OUT, ALTERING OR RELOCATING A TOWN WAY OR PRIVATE WAY.

Be it enacted, etc., as follows:

Section 24 of chapter 82 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, such officers shall, within thirty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A.

Approved April 7, 1958.

CHAP. 241. AN ACT RELATIVE TO CERTIFICATES OF FITNESS REQUIRED TO BE HELD BY SUPERINTENDENTS OF SCHOOL UNIONS.

Be it enacted, etc., as follows:

Section 66 of chapter 71 of the General Laws is hereby repealed.

Approved April 7, 1958.

CHAP. 242. AN ACT AUTHORIZING OFF-STREET PARKING FACILITIES IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of constructing public parking areas, including original pavement thereof, as well as the construction of structures, garages and facilities for off-street public parking, the city of New Bedford may acquire by purchase or otherwise, or take by eminent domain under the provisions of chapter seventy-nine or eighty A of the General Laws, land and buildings on such streets in said city as the city council may determine. Said city may, for the purposes of this act, borrow from time to time within a period of five years from the passage of this act such sums as may be necessary, not exceeding in the aggregate seven hundred and fifty thousand dollars, and may issue

bonds or notes therefor which shall bear on their face the words, City of New Bedford, Public Parking Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory debt limit, but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. The city may install parking meters in said off-street parking areas, structures, garages and facilities and make a charge for the use of space therein, and the receipts thereof shall be applied annually, first, to reimbursing the city for its annual payments on account of the above-mentioned loan or loans, and secondly, for any of the purposes for which parking meter receipts may be used under sections twenty-two B and twenty-two C of chapter forty of the General Laws.

SECTION 3. In the event that the city determines to construct and operate any off-street public parking structure, garages or facilities, said city shall, by ordinance or order, establish rules and regulations for the operation thereof.

SECTION 4. Upon liquidation of the loan authorized by section one, the receipts from said parking meters, structures, garages or facilities may be used for the purposes prescribed by said sections twenty-two B and twenty-two C of said chapter forty.

SECTION 5. This act shall be construed to be in addition to all other rights granted by the General Laws pertaining to the installation and operation of parking meters in on-street and off-street areas, and the disbursement of receipts therefrom.

SECTION 6. Said city may acquire said parking meters in the manner provided by section twenty-two A of said chapter forty.

SECTION 7. This act shall take effect upon its passage.

Approved April 8, 1958.

CHAP. 243. AN ACT AUTHORIZING THE TRUSTEES OF THE BRADFORD DUFEE COLLEGE OF TECHNOLOGY TO GRANT SUCH HONORARY DOCTORATES AS THEY MAY DETERMINE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that the trustees of the Bradford Durfee College of Technology may grant such honorary doctorates as they may determine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 74 of the General Laws is hereby amended by striking out section 42B, inserted by chapter 410 of the acts of 1957, and inserting in place thereof the following section: — *Section 42B.* The board of trustees of the Bradford Durfee College of Technology and of the New Bedford Institute of Technology, with the approval of the board of collegiate authority, may grant such honorary doctorates as they may determine.

Approved April 8, 1958.

CHAP. 244. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, an unpaid bill in the sum of four hundred and sixteen dollars and thirty-nine cents to the Graybar Electric Co., Inc., and an unpaid bill in the sum of four hundred and sixty-one dollars and thirty-one cents to the Worcester County Electric Company, and an unpaid bill in the sum of four hundred and seventy-five dollars and forty-one cents to the Electric Service and Supply Co. of Worcester, all for services and materials furnished to the fire department of said town, said bills being legally unenforceable against said town.

SECTION 2. Said town is hereby authorized to pay from an appropriation available therefor, an unpaid bill in the sum of forty-one hundred dollars to the Gamewell Company, for services and materials furnished to the fire department of said town, said bill being legally unenforceable against said town.

SECTION 3. No bill shall be approved by the town accountant of said town or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said town accountant stating under the penalties of perjury that the materials, and services for which such bills have been submitted were ordered by an official or an employee of said town and that such materials were delivered and actually received by said town or that such services were rendered to said town, or both.

SECTION 4. Any person who knowingly files a certificate required by section three, which is false, and who thereby receives payment for materials or services which were not received by or rendered to said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 5. This act shall take effect upon its passage.

Approved April 8, 1958.

CHAP. 245. AN ACT RELATIVE TO THE CONSTRUCTION, GRADING AND COMPLETION OF SIDEWALKS IN PUBLIC WAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 437 of the acts of 1893, as most recently amended by chapter 252 of the acts of 1951, is hereby further amended by striking out the first three sentences and inserting in place thereof the following sentences: — The public improvement commission of the city of Boston, with the approval of the mayor, may order the grading and construction of sidewalks, or the completion of any partly constructed sidewalk in any public way in said city, as public convenience may require, with or without edgestones as said commission shall deem expedient, and may order that the same be covered with brick, stone, concrete, artificial stone, gravel or other appropriate material.

Within six months after the completion of such sidewalk, provided that entry for the purpose of constructing, grading or completing the sidewalk shall be made within two years after the date of the approval by the mayor of the order therefor, said commission shall determine the value of the benefit or advantage to each estate especially benefited by the sidewalk and shall assess upon the several estates so benefited in proportion to said values such part, not exceeding one half, of the cost of the sidewalk as said commission shall deem just; but no such assessment shall exceed the amount of the special benefit received. All assessments so made shall constitute a lien upon the abutting land from and after the date of entry to construct, grade or complete the sidewalk under the order for such construction, grading or completion; but no lien or incumbrance shall be created by the adoption of such order.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise.

Approved April 8, 1958.

CHAP. 246. AN ACT MAKING IT A CRIMINAL OFFENCE TO USE THE TELEPHONE FOR CERTAIN GAMING PURPOSES.

Be it enacted, etc., as follows:

Chapter 271 of the General Laws is hereby amended by inserting after section 17 the following section: — *Section 17A.* Whoever uses a telephone or, being a customer of a telephone company, knowingly permits another to use his telephone for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or any portion of a wager with another, upon the result of a trial or contest of skill, speed, or endurance of man, beast, bird, or machine, or upon the result of an athletic game or contest, or upon the lottery called the numbers game, or for the purpose of reporting the same to a headquarters or booking office, or who under a name other than his own or otherwise falsely or fictitiously procures telephone service for himself or another for such purposes, shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than one year.

Approved April 8, 1958.

CHAP. 247. AN ACT AUTHORIZING THE TOWN OF COHASSET TO PAY A SUM OF MONEY TO GILBERT S. TOWER.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Cohasset may appropriate and pay to Gilbert S. Tower the sum of one hundred and fifty-four dollars and six cents to reimburse him for payments which he made to the Spaulding-Moss Company for photostatic copies and blueprints in connection with a study made of the flood and pollution problems of James brook in said town.

SECTION 2. Any action taken by the town of Cohasset at its annual town meeting in the current year pursuant to authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

Approved April 8, 1958.

CHAP. 248. AN ACT AUTHORIZING THE TRUSTEES OF THE BRISTOL COUNTY AGRICULTURAL SCHOOL TO ERECT AND EQUIP A NEW DORMITORY-DINING HALL BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Bristol County Agricultural School may expend a sum, not exceeding two hundred and sixty-seven thousand four hundred and sixty dollars, to erect and equip a new dormitory-dining hall building to replace the present structure.

SECTION 2. To provide funds for erecting and equipping the building hereinbefore authorized, the treasurer of the county of Bristol may borrow from time to time on the credit of the county, with the approval of the county commissioners of said county, such sums, not exceeding, in the aggregate, two hundred and sixty-seven thousand four hundred and sixty dollars, as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words, Bristol County Agricultural School Loan, Act of 1958. Each authorized issue shall constitute a separate loan. Such bonds or notes shall be payable in such annual payments, beginning not more than one year from the date thereof, as will extinguish each loan in not more than twenty years from their dates, and so that the amount of such annual payment in any year shall not be less than the amount of the principal of the loan payable in any subsequent year. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of said county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved April 8, 1958.

CHAP. 249. AN ACT RELATIVE TO AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR THE PURCHASE OF EQUIPMENT, SUPPLIES AND MATERIALS WITHOUT ADVERTISING, IN THE CITY OF PEABODY.

Be it enacted, etc., as follows:

Section 33 of chapter 300 of the Special Acts of 1916 is hereby amended by striking out, in line 2, the word "apparatus" and inserting in place thereof the word:—equipment,—and by striking out, in line 4, the word "two" and inserting in place thereof the word:—five,—so as to read as follows:—*Section 33.* No contract for construction work or for the purchase of equipment, supplies or materials, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds five hundred dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of the proposals. Such advertisements shall state the time and place where plans and specifications of the proposed work or supplies may be had, and the

time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act.

Approved April 8, 1958.

CHAP. 250. AN ACT TO VALIDATE THE LAYING OUT, ALTERATION, RELOCATION OR DISCONTINUANCE OF CERTAIN PUBLIC WAYS IN THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

SECTION 1. The laying out, alteration, relocation or discontinuance of all public ways in the town of Harwich, previous to the year nineteen hundred and fifty-seven by the selectmen of said town in so far as such laying out, alteration, relocation or discontinuance may be invalid by reason of failure to comply with the provisions of chapters forty-one, seventy-nine, eighty and eighty-two of the General Laws, is hereby validated and confirmed.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of the town of Harwich present and voting thereon at an annual or special town meeting called for the purpose, but not otherwise.

Approved April 8, 1958.

CHAP. 251. AN ACT PROVIDING FOR THE REMOVAL OF HAZARDOUS CONDITIONS UPON THE CESSATION OF THE USE OF A STRUCTURE FOR THE KEEPING, STORAGE, MANUFACTURE OR SALE OF CERTAIN EXPLOSIVES AND INFLAMMABLE MATERIALS.

Be it enacted, etc., as follows:

Section 13 of chapter 148 of the General Laws, as amended, is hereby further amended by inserting after the second paragraph the following paragraph: —

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefor to the holder of the license, and shall be recoverable from such holder in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies.

Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

Approved April 8, 1958.

CHAP. 252. AN ACT VALIDATING THE ACTION OF THE TOWN OF CHILMARK RELATIVE TO THE PURCHASE OF THE COMMUNITY CENTER PROPERTY IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Chilmark taken at the annual town meeting held on February twenty-fourth, nineteen hundred and fifty-eight, in voting to purchase the Community Center property from the Chilmark Community Fund, Inc. for the sum of eighteen thousand dollars and, to finance said purchase, that the sum of fifteen hundred dollars be appropriated, that forty-five hundred dollars be taken from surplus revenue in the treasury, and that the treasurer, with the approval of the selectmen be authorized to borrow the sum of twelve thousand dollars and to issue notes therefor payable in accordance with the provisions of chapter forty-four of the General Laws, but payable in not more than six years, and all acts done in pursuance thereof, are hereby confirmed and made valid, notwithstanding any provisions of section seven of chapter forty-four of the General Laws to the contrary.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1958.

CHAP. 253. AN ACT AUTHORIZING THE CITY OF BOSTON TO SELL AND CONVEY TO NORTHEASTERN UNIVERSITY CERTAIN PARK LAND IN THE FENWAY DISTRICT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of general or special law, the city of Boston, acting by its mayor, may sell and convey to Northeastern University, a corporation organized and existing under the laws of the commonwealth, any part or parts or the whole of the parcel of land belonging to said city and situate at the corner of Hemenway Street and Forsyth Way, which contains approximately one acre and which is now under the care and custody of the parks and recreation commission of said city; provided, that such sale and conveyance is authorized, after two separate readings, by two separate votes of two thirds of all the members of the city council of said city, the first of said readings and votes to be had only after said sale and conveyance is

recommended by said parks and recreation commission and the second of said readings and votes to be had in not less than fourteen days after the first.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1958.

CHAP. 254. AN ACT REQUIRING THAT THE WILL OF THE VOTERS BE ASCERTAINED BEFORE ANY PUBLIC WATER SUPPLY SYSTEM IS FLUORIDATED.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 41A, inserted by chapter 793 of the acts of 1949, the following section: — *Section 41B.* No public water supply for domestic use in any city, town or district supplying such water which is not being fluoridated prior to September first, nineteen hundred and fifty-eight shall thereafter be fluoridated by any such city, town or district or combination of two or more towns supplying such water jointly unless the will of the voters of such city, town or district, or of the towns being supplied such water by such combination of towns is first ascertained as herein provided. The board of water commissioners or other officers performing like duties may require that the following question be placed upon the official ballot to be used at the next regular municipal election or for the election of town officers at the next annual town meeting or meetings: — “Shall the public water supply for domestic use in (this city) (this town) (the towns of and), be fluoridated?”, or in such district may require that the following question be placed before the next annual meeting of the inhabitants of the district: — “Shall the public water supply for domestic use in this district be fluoridated?”

If a majority of the votes in answer to said question is in the affirmative, it shall be deemed and taken to be the will of the voters of the said city, town or towns, or district that the public water supply for domestic use shall be fluoridated, and if a majority of said votes is in the negative, it shall be deemed and taken to be the will of said voters that such supply shall not be fluoridated.

Approved April 11, 1958.

CHAP. 255. AN ACT AUTHORIZING THE CITY OF BROCKTON TO CONVEY CERTAIN PARK LAND AND GARAGE BUILDING THEREON TO GORDON SIMPSON.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized, through its mayor, to convey to Gordon Simpson of said city the land and garage building thereon located within land of the park department of said city off Pleasant street; provided, however, that as consideration for said conveyance said Gordon Simpson shall construct a garage equal in size to the existing structure in accordance with plans and specifications approved by the park commissioners at a place within the park area designated by said commissioners.

SECTION 2. This act shall take effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved April 11, 1958.

CHAP. 256. AN ACT RELATIVE TO THE ADMISSIBILITY IN EVIDENCE AGAINST A DEFENDANT IN A CRIMINAL TRIAL OF STATEMENTS MADE BY HIM WHILE UNDERGOING A PSYCHIATRIC EXAMINATION.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after section 23A the following section: — *Section 23B.* In the trial of an indictment or complaint for any crime, no statement made by a defendant therein subjected to psychiatric examination pursuant to sections one hundred or one hundred A of chapter one hundred and twenty-three for the purposes of such examination or treatment shall be admissible in evidence against him on any issue other than that of his mental condition, nor shall it be admissible in evidence against him on that issue if such statement constitutes a confession of guilt of the crime charged.

Approved April 15, 1958.

CHAP. 257. AN ACT RELATIVE TO THE TIME WHEN A CERTIFICATE OF SUBSTITUTION OF THE NAME OF A CANDIDATE FOR NOMINATION UNDER PLAN A IN THE CITY OF BOSTON MUST BE FILED WITH THE ELECTION COMMISSION.

Be it enacted, etc., as follows:

The first paragraph of section 57B of chapter 452 of the acts of 1948, as appearing in section 2 of chapter 376 of the acts of 1951, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — If a candidate so withdraws his name from nomination before five o'clock in the afternoon of the twenty-ninth day preceding the preliminary election, or is found to be ineligible or dies, the vacancy may be filled by a committee of not less than five persons or a majority thereof, if such committee be named and so authorized in the nomination petition; provided, however, that all certificates of substitution, except any certificate of substitution for a deceased candidate for mayor under Plan A, shall be filed with the election commission at or before five o'clock in the afternoon on said twenty-ninth day.

Approved April 15, 1958.

CHAP. 258. AN ACT PROVIDING FOR THE ADMISSION OF CHILDREN WITH CHRONIC DISEASES TO THE NORTH READING STATE SANATORIUM.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 65B, inserted by chapter 453 of the acts of 1945, and inserting in place thereof the following section: — *Section 65B.* Upon written application of a registered physician, the department may admit to North Reading state sanatorium children suffering from rheumatic heart disease, and children with chronic diseases; provided, that no child shall be so admitted who has not been a resident of the commonwealth for at least twelve months preceding the date of such application.

Approved April 15, 1958.

- CHAP. 259. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED AND COLLECTED FROM ALEXANDER J. CODY.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to refund to Alexander J. Cody of Lawrence the sum of four hundred and sixty-four dollars, the same being the amount collected by said city from said Cody as taxes in the years nineteen hundred and fifty-five and nineteen hundred and fifty-six upon certain personal property in said city, which was erroneously assumed by the assessors of said city to have been the property of said Cody. No payment shall be made hereunder until there has been filed with the city auditor of Lawrence an agreement signed by said Alexander J. Cody that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this act shall not exceed ten per cent of the amount paid or payable hereunder.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved April 15, 1958.

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- CHAP. 260. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM MAX FREEDMAN.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to refund to Max Freedman of Lawrence the sum of fourteen hundred and ten dollars, the same being the amount which has heretofore been collected by said city from said Freedman as taxes upon certain personal property in the years nineteen hundred and forty-seven to nineteen hundred and fifty-five, inclusive, which was erroneously assumed by the assessors of said city to have been the property of said Freedman. No payment shall be made hereunder until there has been filed with the city auditor of Lawrence an agreement signed by said Max Freedman that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this act shall not exceed ten per cent of the amount paid or payable hereunder.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved April 15, 1958.

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- CHAP. 261. AN ACT INCREASING THE RATE OF INTEREST WHICH THE GLOUCESTER INDUSTRIAL DEVELOPMENT COMMISSION MAY PAY ON ITS BONDS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 786 of the acts of 1951 is hereby amended by striking out the seventh sentence and inserting in place thereof the following sentence: — The commission may sell such bonds in such manner, either at public or at private sale, and for such price and with such rates of interest not exceeding six per cent as it may determine to be for the best interests of the commission.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1958.

CHAP. 262. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO COMPENSATE SUSAN B. VINCENS FOR SERVICES AS AN ASSESSOR IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary the town of Fairhaven is hereby authorized to compensate Susan B. Vincens for services rendered and to be rendered as an assessor in said town for the period commencing February first, nineteen hundred and fifty-eight and ending February first, nineteen hundred and fifty-nine; provided, that the said Susan B. Vincens files with the treasurer of said town a written statement wherein she waives and renounces for herself, her heirs and her legal representatives her right to receive her retirement allowance for the period for which such compensation is payable; and provided, further, that there shall be deducted from the compensation for such service rendered prior to the effective date of this act an amount equal to the retirement allowance received by the said Susan B. Vincens from said February first to said effective date.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1958.

CHAP. 263. AN ACT REQUIRING THAT ADVERTISING BY A MASTER PLUMBER SHALL CONTAIN HIS LICENSE NUMBER.

Be it enacted, etc., as follows:

Section 3 of chapter 142 of the General Laws, as amended by chapter 382 of the acts of 1948, is hereby further amended by adding at the end the following sentence: — Any sign, listing or advertisement of a master plumber purporting to offer services regulated and controlled by this chapter shall contain the license number of such master plumber.

Approved April 16, 1958.

CHAP. 264. AN ACT RELATIVE TO THE COLLECTION BY CO-OPERATIVE BANKS OF UTILITY COMPANY BILLS.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by inserting after section 12A the following section: — *Section 12B.* Such corporation at its main office or at any branch office may, for the account of any utility company, collect payments on bills representing indebtedness thereto.

Approved April 16, 1958.

CHAP. 265. AN ACT RELATIVE TO THE OBSERVANCE OF SUSAN B. ANTHONY DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15D, inserted by chapter 125 of the acts of 1958, the following section: — *Section 15E.* The governor shall annually issue a proclamation setting aside the twenty-sixth day of August as Susan B. Anthony Day, recommending its observance by the public in honoring the woman

who was the organizer, lecturer, campaigner and ardent advocate in the fight for American woman suffrage, and whose unflinching efforts culminated in the prohibition of the denial of the right to vote on account of sex.

Approved April 16, 1958.

CHAP. 266. AN ACT EXTENDING THE PROVISIONS OF LAW GRANTING FIRE FIGHTERS INJURED LEAVE, WITHOUT LOSS OF COMPENSATION, TO CERTAIN OTHER MEMBERS OF A FIRE DEPARTMENT.

Be it enacted, etc., as follows:

Section 111F of chapter 41 of the General Laws, inserted by chapter 419 of the acts of 1952, is hereby amended by adding at the end the following sentence: — This section shall also apply to any member of a fire department who is subject to the provisions of chapter one hundred and fifty-two if he is injured at a fire and if he waives the provisions of said chapter.

Approved April 16, 1958.

CHAP. 267. AN ACT REQUIRING CITIES, TOWNS AND DISTRICTS TO INDEMNIFY FIRE FIGHTERS ASSIGNED TO SPECIAL DUTY FOR CERTAIN EXPENSES OR DAMAGES.

Be it enacted, etc., as follows:

Section 100 of chapter 41 of the General Laws is hereby amended by striking out the fifth sentence, as amended by chapter 168 of the acts of 1955, and inserting in place thereof the following sentence: — This section shall also be construed to require a city, town or district to indemnify, in the manner and to the extent herein provided, any police officer or fire fighter who is assigned to special duty by a superior officer for expenses or damages sustained by such member in the performance of such duty, whether such member is paid for such special duty by the city, town or district, or otherwise.

Approved April 16, 1958.

CHAP. 268. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO MAKE CONTRACTS FOR THE OPERATION OF CONCESSIONS IN INSTITUTIONS UNDER ITS CHARGE.

Be it enacted, etc., as follows:

Section 69J of chapter 111 of the General Laws, inserted by chapter 497 of the acts of 1956, is hereby amended by striking out, in line 4, the words "Lemuel Shattuck Hospital" and inserting in place thereof the words: — institutions under its charge, — so as to read as follows: — *Section 69J.* The department is authorized to make contracts with private persons or corporations for the operation of concessions in institutions under its charge.

Approved April 16, 1958.

CHAP. 269. AN ACT AUTHORIZING THE TOWN OF CLINTON TO USE CERTAIN PARK LAND, KNOWN AS CENTRAL PARK, FOR GENERAL SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Clinton is hereby authorized to use, for general school purposes and for the erection thereon of such school buildings as it may determine, the land in said town bounded: — North-erly by Church street, easterly by Chestnut street, southerly by Union street, and westerly by Walnut street, containing four acres of land more or less, which land is presently referred to as Central Park.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at a special election to be called for the purpose within sixty days after the passage of this act, in the form of the following question which shall be placed upon the official ballot: — “Shall an act passed by the general court in the year nineteen hundred and fifty-eight, which authorizes the town of Clinton to use, for general school purposes and for the erection thereon of such school buildings as it may determine, certain land now held for park purposes bounded northerly by Church street, easterly by Chestnut street, southerly by Union street, and westerly by Walnut street, containing four acres of land more or less, which land is presently referred to as Central Park, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 16, 1958.

CHAP. 270. AN ACT REQUIRING THAT THE DATE ON WHICH ANSWERS TO INTERROGATORIES ARE SIGNED BE STATED THEREIN.

Be it enacted, etc., as follows:

Section 62 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence: — Said answers shall state the date on which the same were signed.

Approved April 16, 1958.

CHAP. 271. AN ACT AUTHORIZING THE CITY OF BOSTON TO PAY A SUM OF MONEY TO FRANCIS D. GARVEY TO REIMBURSE HIM FOR CERTAIN INJURIES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Boston is hereby authorized to appropriate and pay not more than three thousand five hundred dollars to Francis D. Garvey of Chelsea for damages incurred as a result of injuries sustained at the stadium at South Boston while officiating at a football game sponsored by the recreational division of the park department of said city.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of said city, and the approval of its mayor.

Approved April 21, 1958.

CHAP. 272. AN ACT TO ALTER, REVISE AND RELOCATE THE TOWN BOUNDARY BETWEEN THE TOWNS OF GREAT BARRINGTON AND STOCKBRIDGE IN THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

SECTION 1. The boundary line between the towns of Great Barrington and Stockbridge in the county of Berkshire is hereby altered, revised and relocated so that the following described parcel of land together with the buildings thereon shall henceforth be wholly within the town of Great Barrington and not in the town of Stockbridge: — Beginning at a stone bound which bound is the town boundary of the towns of Great Barrington, Stockbridge and West Stockbridge; thence along the town line between the towns of Great Barrington and Stockbridge about three hundred and ninety-eight (398) feet in a southeasterly direction to a point at a corner of lands now or formerly of Monument Mills, Inc. thence northerly eleven degrees thirty minutes east about one hundred and ninety-eight (198) feet to an iron pipe set in the ground; thence northerly seventy-one degrees forty-five minutes west about two hundred and sixty-nine (269) feet to an iron bar; thence northerly seventy-one degrees forty-five minutes west about one hundred and twenty-four (124) feet to an iron pipe set in the ground on the line between the towns of Stockbridge and West Stockbridge; thence in a southwesterly direction on said town line between Stockbridge and West Stockbridge about two hundred and twenty-six (226) feet to the point or place of beginning. Containing one and three fourths acres of land, more or less.

SECTION 2. The department of public works shall locate and define the change in the town boundaries set forth in section one in the manner provided in section seven of chapter forty-two of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1958.

CHAP. 273. AN ACT PROVIDING FOR THE MODIFICATION OF OFF-STREET PARKING FACILITY LEASES OF THE CITY OF BOSTON IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section 1 of chapter 474 of the acts of 1946 is hereby amended by adding at the end the following paragraph: —

Any provision of this act to the contrary notwithstanding, any lease entered into under this act for a period exceeding three years may be modified by written agreement so as to require the payment of an increased rental during the remainder of its term and to permit the structure constructed under it to be enlarged by the lessee without cost to the city by the construction of one or more additional stories in accordance with detailed plans and specifications made a part of such agreement; provided, that the ratio of the increase in rent is not less than the ratio of the increase in floor area.

Approved April 21, 1958.

CHAP. 274. AN ACT CLARIFYING CERTAIN PROVISIONS OF LAW RELATIVE TO THE ISSUANCE OF MOTOR VEHICLE NUMBER PLATES.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws is hereby amended by striking out the seventh paragraph, as most recently amended by section 4 of chapter 417 of the acts of 1957, and inserting in place thereof the following paragraph: —

The registrar shall furnish at his office, without charge, to every person whose motor vehicle is registered under this chapter, two number plates of suitable design, and to every person whose trailer is so registered, one such number plate, having displayed thereon the register number assigned to that vehicle; provided, that number plates assigned to ambulances, fire engines and apparatus, police patrol wagons and other vehicles used by the police department of any city or town or park board solely for the official business of such department or board, and pleasure passenger vehicles owned by veterans who, according to the records of the United States Veterans' Administration, by reason of service in the armed forces of the United States have suffered loss or permanent loss of use of one or both feet; or loss or permanent loss of use of one or both hands; or permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye, and to vehicles registered by any member of a foreign diplomatic corps or by any foreign consular officer who is not a citizen of the United States may be of a distinctive type or types. The registrar may, upon payment of the registration fee as required in section thirty-three, furnish at his office such distinctive plates to duly appointed foreign diplomatic representatives or foreign consular officers who are citizens of the United States. The registrar may also furnish plates of a distinctive type or types for a pleasure passenger vehicle owned and operated by any person who has suffered the loss or permanent loss of use of one or both feet, or of both hands, and he may determine such standards of disability and of qualification for the issuance of said plates as he deems proper. Any number plate furnished under this paragraph shall, except as provided by section nine, and except in case the registrar for any valid reason extends the time, be valid only for the year for which it is issued. If the registrar extends the time he may make rules and regulations requiring the display of visible evidence upon every motor vehicle that it has been registered and that the plates in use thereon are valid. Any plate becoming illegible because of construction defects shall be replaced by the registrar without cost.

Approved April 21, 1958.

CHAP. 275. AN ACT PROVIDING THAT EVERY TAXICAB REGULARLY OPERATING OUT OF THE LOGAN INTERNATIONAL AIRPORT UNDER A PERMIT SHALL HAVE THE NAME AND ADDRESS OF ITS OWNER PAINTED ON ITS SIDES IN LETTERS NOT LESS THAN FOUR INCHES HIGH.

Be it enacted, etc., as follows:

Section 50D of chapter 90 of the General Laws is hereby amended by inserting after the first paragraph, as amended by chapter 452 of the acts of 1955, the following paragraph: —

Every taxicab operating out of the General Edward Lawrence Logan International Airport under any permit required by any such rule or regulation shall have the name or the trade name and the address of the owner of such vehicle painted on the sides thereof in letters not less than four inches high and one half inch wide.

Approved April 21, 1958.

CHAP. 276. AN ACT FURTHER REGULATING THE POSSESSION, PURCHASE OR SALE OF HYPODERMIC SYRINGES AND NEEDLES AND OTHER SIMILAR INSTRUMENTS.

Be it enacted, etc., as follows:

Section 211 of chapter 94 of the General Laws, as appearing in section 1 of chapter 660 of the acts of 1957, is hereby amended by striking out paragraphs (a), (b) and (c) and inserting in place thereof the following three paragraphs: —

(a) No person, not being a physician, dentist, nurse or veterinarian registered under the laws of this commonwealth, or of the state where he resides, or a registered embalmer, manufacturer of or dealer in embalming supplies, pharmacist, wholesale druggist, manufacturing pharmacist, manufacturer of or dealer in surgical supplies, official of any government having possession of the articles hereinafter mentioned by reason of his official duties, nurse acting under the direction of a physician or dentist, employee of a hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles, or a person who has received a written prescription issued under paragraph (c), or a chiropodist or podiatrist who has received a certificate from the board of registration in chiropody (podiatry) stating that upon examination by said board he has been determined to be competent to use hypodermic needles, shall have in his possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of narcotic drugs by subcutaneous injection.

(b) No such syringe, needle or instrument shall be delivered or sold to, or exchanged with, any person except a pharmacist, dentist, physician, veterinarian, registered embalmer, manufacturer of or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, manufacturer of or dealer in surgical supplies, an official of any government agency requiring the use of such syringe, needle or instrument by reason of his official duties, nurse upon the written order of a physician or dentist, or a person who has received a written prescription issued under paragraph (c), a podiatrist or chiropodist certified as aforesaid,

or an employee of a hospital or scientific institution upon the written order of its superintendent or officer in immediate charge.

(c) A physician may issue to a patient under his immediate charge a written prescription to purchase, from a pharmacist only, any of the instruments specified in paragraph (a). Such prescription shall contain the name and address of the patient, the description of the instrument prescribed and the number of instruments prescribed. The pharmacist filling the prescription shall record upon the face of said prescription, over the signature of the pharmacist making the sale, the date of such sale. Such prescription may be renewed or refilled for a period of one year unless the physician indicates otherwise on the prescription, and each refilling shall be noted upon the prescription. No prescription for such instruments shall be refilled for more than one year from date of issue.

Approved April 21, 1958.

CHAP. 277. AN ACT RELATING TO THE "TIME LIMIT ON CERTAIN DEFENSES" PROVISION OF INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE POLICIES.

Be it enacted, etc., as follows:

Provision (2) of paragraph (a) of subdivision 3 of section 108 of chapter 175 of the General Laws, as appearing in section 1 of chapter 275 of the acts of 1954, is hereby amended by striking out, in line 28, the word "three" and inserting in place thereof the word: — two.

Approved April 21, 1958.

CHAP. 278. AN ACT AUTHORIZING THE RESTORATION OR SUBSTITUTION OF SERIAL NUMBERS WHICH HAVE BEEN MUTILATED OR REMOVED FROM TRAILERS.

Be it enacted, etc., as follows:

Section 32A of chapter 90 of the General Laws is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: — When the serial number of a motor vehicle or trailer or of the engine of a motor vehicle has been removed, defaced, altered, changed, destroyed, obliterated or mutilated, the registrar may issue to any person applying therefor a certificate authorizing the restoration upon such motor vehicle or trailer or upon the engine of such motor vehicle of its original serial number, or the substitution therefor of a number designated by the registrar which shall thereafter be regarded as the number properly to be used for purposes of registration and identification of said motor vehicle or trailer. In this section, the phrase "serial number" shall mean, when used with reference to a motor vehicle or trailer, the number affixed by the maker thereof and, when used with reference to the engine of a motor vehicle, the engine number, both as required to be contained in an application for registration of a motor vehicle or trailer by section two.

Approved April 21, 1958.

- CHAP. 279. AN ACT PROVIDING THAT THE QUESTION OF ACCEPTING THE PROVISIONS OF LAW PROVIDING FOR A FORTY-EIGHT HOUR WEEK FOR MEMBERS OF FIRE DEPARTMENTS MAY BE SUBMITTED TO VOTERS IN A CITY OR TOWN AT A MUNICIPAL ELECTION.

Be it enacted, etc., as follows:

Section 58B of chapter 48 of the General Laws, as most recently amended by section 1 of chapter 713 of the acts of 1957, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Upon petition of not less than ten per cent of the registered voters in any city or town, duly certified by the registrars of voters and filed with the state secretary not less than sixty days before a state election, or filed with a city or town clerk not less than sixty days before a municipal election, the state secretary, or the city or town clerk shall cause to be printed upon the official ballot to be used in such city or town at such state or municipal election the following question: — “Shall section fifty-eight B of chapter forty-eight of the General Laws, providing for a forty-eight hour week for permanent members of fire departments, be accepted?” If a majority of the votes cast on said question in any city or town are in the affirmative, this section shall take effect in such city or town ninety days thereafter.

Approved April 21, 1958.

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- CHAP. 280. AN ACT REQUIRING CANDIDATES FOR NOMINATION BY A POLITICAL PARTY AT PRIMARY ELECTIONS FOR THE OFFICE OF CITY CLERK OR TREASURER IN THE CITY OF SPRINGFIELD TO BE CERTIFIED AS ENROLLED MEMBERS OF SUCH PARTY.

Be it enacted, etc., as follows:

Chapter 580 of the acts of 1953 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* There shall not be printed on the ballot at a primary election in the city of Springfield the name of any person as a candidate for nomination for mayor, city clerk or treasurer, or for the board of aldermen, the common council, or the school committee, unless he is certified by the board of election commissioners as an enrolled member of the political party whose nomination he seeks.

Approved April 21, 1958.

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- CHAP. 281. AN ACT RELATIVE TO THE TAKING OF GREEN CRABS.

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by inserting after section 37 the following section: — *Section 37A.* Any person may take green crabs, more specifically known as the species *Carcinides Maenas*, provided, that such person (a) gives written notice to such effect to the director, (b) marks all traps, gear and buoys in a uniform manner in accordance with requirements set forth by said director, and (c) files an annual report with the director setting forth the approximate number of bushels of said crabs taken each month of the year and whether such

crabs were destroyed or used for bait purposes in the commonwealth. Any person subject to the provisions of this section shall comply with regulations which the director is hereby authorized to promulgate from time to time.

Approved April 21, 1958.

CHAP. 282. AN ACT INCREASING THE AMOUNT OF EXEMPTION FROM TAXATION OF REAL PROPERTY OF VETERANS WHO LOST THE SIGHT OF ONE EYE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for an increase in the amount of the exemption from taxation of real property of certain veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause Twenty-second of section 5 of chapter 59 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 525 of the acts of 1957, and inserting in place thereof the following sentence: — Real estate of the following classes of persons, excepting persons described in paragraph (a) who are legal residents of the commonwealth to the amount of two thousand dollars in the case of each person, and real estate of persons described in paragraph (a) who are legal residents of the commonwealth to the amount of four thousand dollars; provided, such real estate is occupied in whole or in part as his domicile by such person; and provided, further, that if the spouse of the soldier or sailor as defined in paragraph (a) is also a soldier or sailor, each shall receive the amount of the exemption provided in this clause to the same extent as if unmarried; and provided, further, that the real estate of the person so exempted or the combined real estate of a soldier or sailor and his wife does not exceed eight thousand dollars, exclusive of the value of the mortgage interest held by persons other than the person to be exempted in such mortgaged real estate as may be included in said whole estate or combined property; but if, said whole estate or combined property of a soldier or sailor described in paragraph (a) and his wife being less than four thousand dollars the sum total thereof and of such mortgage interest exceeds four thousand dollars, the amount so exempted shall be four thousand dollars, and if, said whole estate or combined property of any other soldier or sailor and his wife, being less than two thousand dollars, the sum total thereof and of such mortgage interest exceeds two thousand dollars, the amount so exempted shall be two thousand dollars.

SECTION 2. Said clause Twenty-second of said section 5 of said chapter 59 is hereby further amended by striking out paragraph (a), as amended by section 2 of said chapter 525, and inserting in place thereof the following paragraph: —

(a) Persons who served in the armed forces of the United States between February fifteenth, eighteen hundred and ninety-eight and July fourth, nineteen hundred and two, between April sixth, nineteen hundred and seventeen and November eleventh, nineteen hundred and eighteen or were awarded the World War I Victory Medal, between September sixteenth, nineteen hundred and forty and December thirty-

first, nineteen hundred and forty-six, or between June twenty-fifth, nineteen hundred and fifty and January thirty-first, nineteen hundred and fifty-five and whose last discharge or release from the armed forces was under other than dishonorable conditions; and who were domiciled in Massachusetts for at least six months prior to entry into such service, or who have resided in the commonwealth for five consecutive years next prior to date of filing for exemption under this section, hereinafter referred to in clause Twenty-second as soldiers and sailors, who, by reason of injury received or disease contracted while in such service and in the line of duty, lost or have suffered permanent loss of use of one foot at or above the ankle or lost or have suffered permanent loss of use of one hand at or above the wrist or is receiving a statutory award from the Veterans Administration for such loss or loss of sight of one eye. After the assessors have allowed an exemption under this paragraph or paragraph (f), (g) if it relates to widows, and (h), no further evidence of the existence of the facts required by this paragraph or by any of said paragraphs shall be required in any subsequent year in the city or town in which the exemption has been so allowed. Two thousand dollars of an exemption of real estate of persons described in this paragraph shall be borne by the city or town. The balance, up to two thousand dollars, shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

SECTION 3. This act shall take effect as of January first, nineteen hundred and fifty-eight and shall be applicable to taxes levied in the year nineteen hundred and fifty-eight and subsequent years.

Approved April 22, 1958.

CHAP. 283. AN ACT TO EXTEND THE SCOPE OF THE ABANDONED PROPERTY LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the scope of the abandoned property law, so called, to enable the acquisition by the commonwealth of property presumably abandoned by non-residents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 200A of the General Laws is hereby amended by striking out section 5, as appearing in chapter 801 of the acts of 1950, and inserting in place thereof the following section:—*Section 5.* All dividends, stocks, bonds, money, credits and claims for money and credits, and all intangible personal property, and the increments of any of them, held by, or in the control of, any person having a residence or principal place of business in this commonwealth, other than a corporation organized under the laws of another state, but including any fiduciary appointed in this commonwealth for such a corporation, for the benefit of any person, or held by, or in the control of, a corporation organized under the laws of another state but having a place of business in this commonwealth, for the benefit of any person whose last known residence or place of business was in this commonwealth, shall be presumed abandoned unless claimed by the beneficiary or person entitled thereto

within fourteen years from the time the holder, trustee or other responsible person became obligated to return them or their equivalent to the proper owner or claimant.

Approved April 22, 1958.

CHAP. 284. AN ACT RELATIVE TO THE LEASE AND SALE OF CERTAIN LAND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON BELONGING TO SAID CITY AND NOW UNDER THE CARE AND CUSTODY OF ITS PARKS AND RECREATION COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of general or special law, the city of Boston, acting by its parks and recreation commission with the approval of its mayor, may lease to Rice Post No. 28 American Veterans of World War II and Korea, Inc. for use as a recreational area and headquarters for said post, but for no other purpose, for such period, not exceeding thirty years, and upon such further terms as said commission shall determine, so much as said commission may designate of the parcel of land situate on the southerly side of Christopher street in the Dorchester district of said city and shown as Parcel "A²" on City of Boston Public Works Department Survey Division plan dated September 1, 1955 and numbered K 528; provided, that such lease is authorized, after two separate readings, by two separate votes of two thirds of all the members of the city council of said city, the second of said readings and votes to be had not less than fourteen days after the first.

SECTION 2. The provisions of section two A of chapter four hundred and thirty-four of the acts of nineteen hundred and forty-three, as inserted by chapter one hundred and fifty-nine of the acts of nineteen hundred and fifty-one, exclusive of the last sentence thereof, shall, notwithstanding the provisions of said last sentence, apply to so much of said Parcel "A²" as by October first in the current year has not been leased under section one.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1958.

CHAP. 285. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO PURCHASE A NEW AIRPLANE TO REPLACE THE AIRPLANE PRESENTLY USED FOR THE PREVENTION AND DETECTION OF FIRES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized to purchase a new airplane to replace the airplane presently used for the prevention and detection of fires and other purposes. For said purpose the commissioners may expend out of any available funds the sum of forty-five hundred dollars, which sum shall be included in the appropriation for the current year for said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1958.

CHAP. 286. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE CHARTER OF THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 169 of the acts of 1881, as amended, is hereby further amended by striking out section 9 and inserting in place thereof the following section: — *Section 9.* On the second Tuesday of November biennially the qualified voters in the several wards shall give in their votes by ballot for mayor, city councillors, and school committee, in accordance with the provisions of law. All the votes so given shall be assorted, counted and declared and recorded in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written in the ward record at length. The clerk of the ward within twenty-four hours thereafter shall deliver to the city clerk a copy of the record of such elections certified by the warden and clerk and the majority of the inspectors of elections. The city council shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been chosen mayor to be notified in writing of his election; but if it shall appear that no person has been chosen, or if the person chosen shall refuse to accept the office, the city council shall issue warrants for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the choice of mayor, and from time to time shall be repeated until a mayor shall be chosen and shall accept said office. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office, or whenever he shall be absent temporarily from the city, the president of the city council shall become acting mayor during the period that the mayor is disabled or absent. The acting mayor shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting make any permanent appointment, unless such disability of the mayor has continued for a period of thirty days, nor shall he approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case such disability of the mayor continues for a period exceeding sixty days, the city council may at any time after the expiration of that period declare a vacancy to exist in the office of the mayor. If a vacancy by death, resignation or otherwise occurs in the office of mayor before the last six months of the term of office the city council shall order an election for a mayor to serve for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of the term the president of the city council shall succeed to said office for the unexpired term. Whenever it appears that there is a vacancy in the office of mayor the city council shall issue warrants for a new election as above provided.

Whenever there is a vacancy in the office of mayor pending the election and installation of a new mayor, as provided in this section, the president of the city council, as above provided, shall act as mayor, and possess the same rights and powers as mayor during such vacancy as are above provided for in the case of acting mayor. Each councillor shall be notified in writing of his election by the mayor and city coun-

cil for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The city councillors-elect shall on the first Monday of January at eight o'clock in the evening meet in convention, when the oath required by this act shall be administered to the city councillors-elect by the mayor or by any justice of the peace; and a certificate of such oath having been taken shall be entered upon the journals of the mayor and the city council by its clerk. After the oath of office has been administered as aforesaid the city council shall be organized by the selection of a president.

In case of the absence of the mayor-elect on the first Monday of January, or if the mayor shall not then have been chosen, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter in a convention of the city council be administered to the mayor and any member of the city council who may have been absent at the organization. The city council shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by the city council, the mayor and city council shall issue their warrant for a new election.

SECTION 2. Said chapter 169 is hereby further amended by striking out said section 11 and inserting in place thereof the following section: —

Section 11. Every ordinance, order, resolution or vote shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the city council. The city council shall enter the objections of the mayor on its records and proceed to reconsider said ordinance, order, resolution or vote; and if approved by two thirds of the members it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him the same shall be in force.

SECTION 3. Chapter 550 of the acts of 1955 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* Commencing January first, nineteen hundred and fifty-eight, the city council of the city of Malden shall consist of eleven members, one member to be elected from each ward by and from the registered voters of that ward, and the remaining members to be elected by and from the registered voters of the city. All members shall be elected to serve for two years from the first Monday of January following their election and until their successors are qualified. Said council shall elect annually one of its members as its president, who shall preside in the city council. A majority of the city council shall constitute a quorum for the transaction of business.

SECTION 4. Section 4 of said chapter 550 of the acts of 1955 is hereby amended by inserting after the word "thereto", in line 9, the words: — on said board of aldermen and common council with respect to their action independently and separately, jointly or in concurrence, — so as to read as follows: — *Section 4.* The city council elected under and in accordance with the provisions of this act shall be the lawful successor

to the board of aldermen and common council holding office next prior to January first, nineteen hundred and fifty-eight, and shall exercise all the powers and privileges conferred, and shall be subject to the duties and obligations imposed by chapter one hundred and sixty-nine of the acts of eighteen hundred and eighty-one, and acts in amendment thereof and in addition thereto on said board of aldermen and common council with respect to their action independently and separately, jointly or in concurrence.

Approved April 22, 1958.

CHAP. 287. AN ACT ESTABLISHING FEES FOR THE ISSUANCE OR RENEWAL OF PERMITS FOR BARBER SCHOOLS OR COLLEGES.

Be it enacted, etc., as follows:

The first paragraph of section 87P of chapter 112 of the General Laws is hereby amended by inserting after the second sentence, as appearing in section 3 of chapter 260 of the acts of 1934, the following two sentences: — Such permit shall terminate on the thirty-first day of December next succeeding its date unless renewed for the subsequent year. The fee for such permit shall be seventy-five dollars and the fee for each renewal thereof shall be fifty dollars.

Approved April 22, 1958.

CHAP. 288. AN ACT AUTHORIZING THE TREASURER OF ESSEX COUNTY TO REIMBURSE THE ESSEX COUNTY TOURIST COUNCIL FOR CERTAIN EXPENDITURES.

Be it enacted, etc., as follows:

The treasurer of Essex county is hereby authorized to pay to the Essex County Tourist Council from appropriations for unpaid bills of previous years, a sum of money not exceeding one thousand one hundred and sixty-three dollars and forty-eight cents as reimbursement for certain sums expended by said council for brochures, which sums are uncollectible by reason of the failure to comply with section seventeen of chapter thirty-four of the General Laws.

Approved April 22, 1958.

CHAP. 289. AN ACT RELATIVE TO THE ARRANGEMENT OF NAMES ON BALLOTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide in part for incumbents of certain offices appointed by the governor to have their names placed first on the ballot as candidates for nomination, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 34 of chapter 53 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 225 of the acts of 1954, and inserting in place thereof the following paragraph: —

Names of candidates for nomination for all other offices to be voted for at a state primary of which they are the elected incumbents or the

incumbents chosen by the senate and house of representatives, or the incumbents appointed by the governor, shall be placed first in alphabetical order and names of other candidates shall follow in like order.

Approved April 24, 1958.

CHAP. 290. AN ACT PROVIDING THAT PROPERTY WHICH HAS BEEN ABANDONED, MISLAID OR LOST ON THE PREMISES OF THE MASSACHUSETTS TURNPIKE AUTHORITY SHALL BECOME THE PROPERTY OF SAID AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate care and disposition of property abandoned, mislaid or lost on the premises of the Massachusetts Turnpike Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 15 of chapter 354 of the acts of 1952 is hereby amended by adding at the end the following paragraph: —

Notwithstanding the provisions of chapters one hundred and thirty-four and one hundred and forty-seven of the General Laws, if money, goods or other property which has been abandoned, mislaid or lost on the premises of the Massachusetts Turnpike Authority comes into the possession of said Authority and remains unclaimed in its possession for a period of one hundred and twenty days, the Authority may sell the same, excepting money so unclaimed, at public auction after notice of such sale has been published for three successive weeks in a newspaper published in the city or town where such sale is to take place. The net proceeds of such sale, after deducting the cost of storage and the expenses of the sale, and all money so unclaimed, shall be paid into and become the property of the Authority. If, in the opinion of the Authority any property so abandoned, mislaid or lost which comes into the possession of the Authority and remains unclaimed in its possession for a period of one hundred and twenty days, is of the value of three dollars or less, the Authority may donate the same to a charitable organization.

Approved April 28, 1958.

CHAP. 291. AN ACT PROVIDING THAT BROTHERS AND MARRIED SISTERS OF PERSONS UNDER THE CONTRIBUTORY RETIREMENT LAW SHALL BE ELIGIBLE FOR NOMINATION AS BENEFICIARIES THEREUNDER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make brothers and married sisters of persons under the contributory retirement law immediately eligible for nomination as beneficiaries thereunder, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Option (c) of subdivision (2) of section 12 of chapter 32 of the General Laws, as most recently amended by section 7 of chapter 618 of the

acts of 1949, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

No person shall be eligible for nomination as beneficiary under this option unless such person is the spouse, child, father, mother, sister or brother of such member.

Approved April 28, 1958.

CHAP. 292. AN ACT FURTHER REGULATING FEES FOR THE ISSUANCE OF PERMITS TO STUDENTS OR APPRENTICES PRACTICING BARBERING.

Be it enacted, etc., as follows:

Section 87I of chapter 112 of the General Laws, as most recently amended by section 2 of chapter 579 of the acts of 1948, is hereby further amended by striking out the sixth and seventh sentences and inserting in place thereof the following four sentences: — An apprentice or student may practice barbering under a permit, or a renewal thereof, granted under this section. A fee of five dollars shall be paid upon filing an application for such permit, and thereafter an annual fee of five dollars shall be paid to the board for each renewal thereof. A certificate of a registered physician stating that said apprentice or student is not afflicted with any contagious or infectious disease shall be filed with each application for such permit or renewal thereof. Such permit shall be valid for a period of one year from the date of issuance thereof.

Approved April 28, 1958.

CHAP. 293. AN ACT PROVIDING FOR THE PAYMENT OF ACCUMULATED VACATION ALLOWANCE FOR COUNTY EMPLOYEES UPON DEATH OR SEPARATION FROM SERVICE.

Be it enacted, etc., as follows:

Section 19A of chapter 35 of the General Laws, inserted by section 2 of chapter 635 of the acts of 1945, is hereby amended by adding at the end the following two paragraphs: —

Upon the death of a county employee who is eligible for vacation under the rules of the county personnel board, payment shall be made in an amount equal to the vacation allowance as earned in the vacation year prior to the employee's death but which had not been granted, and, in addition, that portion of the vacation allowance earned in the vacation year during which the employee died, up to the time of his separation from the payroll; provided, that no monetary or other allowance has already been made therefor. The county commissioners, upon request of the appointing officer of the deceased employee, shall authorize the payment of such compensation upon the establishment of a valid claim therefor, in the following order of precedence: — First: To the surviving beneficiary or beneficiaries, if any, lawfully designated by the employee under the employee's retirement system; Second: If there be no such designated beneficiary, to the estate of the deceased.

Employees who are eligible for vacation under the rules of said county personnel board whose services terminated by dismissal, through no fault or delinquency of their own, or by retirement, shall be paid an amount equal to the vacation allowance as earned in the vacation year

prior to such dismissal or retirement which had not been granted, and, in addition, that portion of the vacation allowance earned in the vacation year during which such dismissal or retirement occurred, up to the time of separation; provided, that no monetary or other allowance has already been made therefor.

Approved, April 28, 1958.

CHAP. 294. AN ACT TO ELIMINATE THE RIGHT OF AN INSURER TO CANCEL AN ACCIDENT AND SICKNESS POLICY, TO RESTRICT THE RIGHT OF AN INSURER TO REFUSE RENEWAL TO THE PREMIUM DUE DATE ON OR AFTER AND NEAREST THE ANNIVERSARY OF THE POLICY, AND TO INCREASE THE LENGTH OF NOTICE REQUIRED FOR NON-RENEWAL.

Be it enacted, etc., as follows:

SECTION 1. Provision (3) of paragraph (a) of subdivision 3 of section 108 of chapter 175 of the General Laws, as appearing in section 1 of chapter 275 of the acts of 1954, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph: —

A policy in which the insurer reserves the right to refuse renewal shall have, at the beginning of the above provision: — Unless not less than thirty days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.

SECTION 2. Paragraph (b) of said subdivision 3 of said section 108 of said chapter 175, as so appearing, is hereby amended by striking out provision (8).

SECTION 3. Said subdivision 3 of said section 108 of said chapter 175 is hereby further amended by inserting after paragraph (b) the following paragraph: —

(b $\frac{1}{2}$) Each such policy in which the insurer reserves the right to refuse renewal on an individual basis shall provide, in substance, in a provision thereof or in an endorsement thereon or in a rider attached thereto, that subject to the right to terminate the policy upon non-payment of premium when due, such right to refuse renewal shall not be exercised before the renewal date occurring on, or after and nearest, each anniversary, or in the case of lapse and reinstatement at the renewal date occurring on, or after and nearest, each anniversary of the last reinstatement, and that any refusal of renewal shall be without prejudice to any claim originating while the policy is in force. The preceding sentence shall not apply to accident insurance only policies.

Approved April 28, 1958.

CHAP. 295. AN ACT INCREASING THE FEES FOR ISSUANCE AND RENEWAL OF CERTIFICATES OF REGISTRATION OF BARBERS AND BARBER SHOPS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 87H, as most recently amended by chapter 355 of the acts of 1954, and inserting in place thereof the following section: — *Section 87H.*

Any person desiring to obtain a certificate of registration shall make application to the board therefor, pay to the secretary thereof a fee of fifteen dollars and furnish to the board a certificate of a registered physician as to the freedom of the applicant from infectious and contagious diseases, and shall present himself at the next regular meeting of the board for the examination of applicants, or at a later meeting of the board if it so votes, and thereupon, if he shows that he has studied and practiced the occupation of barbering for two years as an apprentice under one or more registered barbers, or for at least six months in a properly equipped and conducted barber school or barber college under the instruction of a registered barber and eighteen months as an apprentice under a registered barber, or practiced such occupation for at least two years in this and/or other states, and that he is possessed of the requisite skill in such occupation to perform properly all the duties thereof, including the preparation of the tools, shaving, haircutting and all the duties and services incident thereto, and has sufficient knowledge concerning diseases of the face and skin to avoid the aggravation and spreading of such diseases in the practice of such occupation, the board shall issue to him a certificate of registration, signed by the chairman and the secretary and attested by its seal. Such certificate shall be evidence that the person to whom it is issued shall, subject to section eighty-seven J, be entitled to follow the practice of the occupation referred to therein.

Any applicant failing to pass an examination satisfactory to the board shall thereafter be entitled to re-examination by payment of a fee of five dollars and by filing a re-examination application upon a form furnished by the board, but two re-examinations shall exhaust his privilege under his original application, and if he fails to apply for re-examination within one year after his original examination, or to appear for re-examination when notified so to do, his re-examination privilege for such original application shall be forfeited. Each such certificate of registration issued by the board shall expire on December thirty-first next succeeding its date. The board may renew any such registration and issue a certificate thereof, upon the payment of a renewal fee of five dollars. Any person holding a certificate of registration or renewal certificate which has expired may, within three years of the date of expiration, upon payment of a fee of five dollars for each year since expiration and upon furnishing satisfactory proof of his qualifications to resume the practice of his occupation, receive from the board a new certificate of registration. Before any registered barber opens a barber shop, or moves his barber shop to a new location, or operates a barber shop previously approved for a prior owner, he shall apply to the board for an inspection and approval thereof, and the board shall receive a fee of fifteen dollars for each inspection, and, upon the approval of such barber shop, the board shall issue a certificate of registration for such barber shop, which shall without further fee be in force, unless sooner cancelled, suspended or revoked, until June thirtieth of the year following the year of its issuance. All certificates of registration for barber shops shall be renewed annually by filing applications therefor on forms supplied by the board and the payment of a fee of five dollars and such renewal shall, unless cancelled, suspended or revoked, be in full force and effect until June thirtieth of the year following its issuance. The board may suspend, revoke or refuse to renew a certificate of registra-

tion issued by it for a barber shop if it finds, after a hearing, notice of which shall be given to the owner or operator of such shop, that any of its rules and regulations have been violated in said shop, that persons not authorized to practice the occupation of barbering have been employed therein as barbers or apprentices, or that there has been a violation in said shop of any provision of sections eighty-seven F to eighty-seven R, inclusive.

Approved April 28, 1958.

CHAP. 296. AN ACT RELATING TO INVESTMENTS OF INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 63 of chapter 175 of the General Laws is hereby amended by inserting after paragraph 14C the following two paragraphs: —

14D. In the consolidated debentures of the federal intermediate credit banks.

14E. In the consolidated debentures of the banks for co-operatives organized under the laws of the United States.

Approved April 28, 1958.

CHAP. 297. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Wilmington, hereinafter called the town, may lay out, construct, maintain and operate a system or systems of common sewers for a part or the whole of its territory and in the city of Woburn, with such connections and other works as may be required for a system of sewerage and sewage disposal, and may construct such sewers in said town and in the city of Woburn as may be necessary; provided, that no conduits or pipes shall be laid in a public way in the city of Woburn without the consent and approval of the mayor and the superintendent of public works thereof, pursuant to the provisions of any special law, ordinance or other provisions of law pertaining to said city; and provided, further, that nothing herein shall authorize the taking of land in the city of Woburn.

SECTION 2. The town may make and maintain, in any way therein where common sewers are constructed, such connecting sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The town manager shall appoint a board of three sewer commissioners as soon as practicable after acceptance of this act. Said board shall consist of three members, who shall be citizens of the town, one of whom shall hold office until the next annual town meeting, one until the second annual town meeting, and one until the third annual town meeting following their respective appointments, and until their successors are qualified, and thereafter at each annual town meeting the town manager shall appoint one member of the board to serve for three years and until his successor is qualified.

The town manager may appoint the board of water commissioners of the town as the board of sewer commissioners as herein provided, in

which case the terms of office of the sewer commissioners shall coincide with the terms of office of the water commissioners, and the organization of the board of sewer commissioners shall be identical with the organization of the board of water commissioners.

Until the board of sewer commissioners has been appointed by the town manager as provided in this act, the board of water commissioners shall be invested with all the powers and duties assigned by this act to the board of sewer commissioners.

Nothing in this act shall vary the effect of chapter five hundred and ninety-two of the acts of nineteen hundred and fifty.

SECTION 4. Said board of sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may in said town construct and maintain such treatment works and sewers under or over any land, bridge, watercourse, railroad, railway, electric transmission line, private way, boulevard or other public way, or within the location of any railroad or electric transmission line, and may enter upon and dig up any private land, public land, private way, public way, railroad location or electric transmission line location for the purpose of laying such sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, or land of an electric transmission line corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation or within the location of any electric transmission line location except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 5. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said town under said chapter seventy-nine.

SECTION 6. The town shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal, including the whole share of the cost of admission to the north metropolitan sewerage district chargeable to said town under chapter three hundred and ninety-nine of the acts of nineteen hundred and fifty-four, and including the amounts of said cost hereafter payable, as well as the amounts thereof already paid, if any, the town shall pay; provided, that it shall pay not more than one half of the whole cost of said system or systems of sewerage and sewage disposal. In providing for the payment of the remaining portion of the cost of said system or systems of sewerage and sewage disposal, including the use of said system or systems by abutters to the system or systems of sewerage and sewage disposal, including public and private institutions, the town may avail itself of any or all of the methods permitted by the General Laws, including annual charges, as provided for in section sixteen of chapter eighty-three thereof, which may be applied to the payment of the cost of operation, maintenance and repairs of the system or systems of sewerage and sewage disposal, and to defray also such portion of the cost of the construction of said system or systems as the town shall by vote

determine. The charges and assessments shall be paid by every person or institution who enters his or its particular sewer into the system or systems of sewerage and sewage disposal of the town. The provisions of said General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, except as provided herein, shall apply to assessments and annual charges made under this act, and the interest shall be at the rate of four per cent per annum. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to the board of sewer commissioners, who shall preserve a record thereof.

SECTION 7. For the purpose of paying the necessary expenses and liabilities incurred under this act, the town may borrow such sums as may be necessary, not exceeding, in the aggregate, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Wilmington Sewerage Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, but not including the requirement of an appropriation from available revenue funds or from taxation as set forth in the first sentence of section seven of said chapter forty-four.

Loans authorized or debt incurred by the town subsequent to January first, nineteen hundred and fifty-eight but prior to the acceptance of this act, for purposes mentioned in clause (1) of section seven of chapter forty-four of the General Laws, shall be considered in all respects to have been authorized and incurred pursuant to the provisions of this act, and the proceeds of any such bonds or notes may be used for any purposes for which bonds or notes might be authorized under this act.

SECTION 8. The board of sewer commissioners may, in its discretion, prescribe such sewer assessment rates and annual rentals or charges as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the town. The receipts from sewer assessments and annual charges and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal, to the payment of interest upon bonds or notes issued for sewer purposes, or to the payment or redemption of such bonds or notes. Such annual charges as are prescribed by the sewer commissioners under the provisions of this act shall begin when the premises have been connected to the sewer, or two years after the sewer is available for such connection, whichever period of time is shorter, provided that no annual charge shall be levied on any premises until the land is built on.

SECTION 9. The town of Wilmington is hereby authorized by vote of a town meeting to determine whether said town, acting through the board of sewer commissioners may, upon the application of the owner of any estate abutting on any public or private way where a common sewer is constructed, lay in such sewered way, and in the private land of such owner such particular sewer as may be necessary to connect any building on such estate with such sewer, and the town manager

may make all necessary contracts in the name and behalf of the town for such purpose. The cost of constructing each particular sewer shall be assessed by the board of sewer commissioners upon the estate benefited thereby. Such assessment shall be made by filing with the board of assessors of the town a certificate, designating the way and the private land in which such particular sewer has been constructed, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within ten days after the filing of the same with the board of assessors, be recorded in the registry of deeds for the north registry district for the county of Middlesex, or, in the case of registered land, filed in the office of the assistant recorder for the north registry district of the county of Middlesex. The board of assessors shall, upon receipt of such certificate, forthwith commit such assessments or charges with their warrant to the collector of taxes, who shall forthwith make a demand in writing for the payment of such assessments or charges, and every owner shall, within three months after such demand is served upon him or on the occupant of such estate, or sent by mail to the last address of the owner known to the collector of taxes, pay to the collector of taxes the sum so assessed or charged. Except as herein provided, the provisions of general law relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this section. In applying said provisions to assessments made under this section, the notice referred to therein shall be deemed to be the demand of the tax collector required hereby. The lien for any assessment made under this section shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment. In the apportionment of assessments made under this section no installment shall be less than five dollars.

SECTION 10. All contracts made for work to be done under the provisions of this act shall be made in the name of the town and shall be signed by the town manager, but no contracts shall be made or obligation incurred by said town manager for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 11. Said board may, except as provided herein, from time to time, prescribe rules and regulations for the connection of estates and buildings with sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such sewers, and any person violating any such rule or regulation shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars for each violation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper having general circulation in the town of Wilmington, and shall not take effect until such publications have been made.

SECTION 12. Except as provided otherwise herein, no act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans for said system of sewerage and sewage disposal have been approved by the state department of public health.

SECTION 13. This act shall take full effect upon its acceptance by a majority of the town meeting members of said town present and voting

thereon at a regular or special town meeting called for the purpose within five years after its passage, but not otherwise. No expenditure shall be made and no liability incurred hereunder until such acceptance; provided, however, that no authorization, contract, appropriation, or other relating action taken by the town or its authorized agents pertaining to any sewerage agreements with the metropolitan district commission, the city of Woburn or the Avco Manufacturing Company entered into subsequent to August first, nineteen hundred and fifty-seven and prior to the adoption of this act shall be deemed to have been invalidated, rescinded or otherwise set aside by the provisions of this act.

Approved April 28, 1958.

CHAP. 298. AN ACT TO PROVIDE PENALTIES FOR FAILURE TO FILE INFORMATION RETURNS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 62 of the General Laws is hereby amended by striking out section 55, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 55.* If any person required to file a return under section twenty-two or twenty-three fails to file the return within the time prescribed in section twenty-four, the sum of five dollars for every day during which such person is in default shall be added to, and become part of the tax, as an additional tax; but the commissioner may, in his discretion, abate any such additional tax in whole or in part.

If any person required to file a return, list or report of a payment to another person under section thirty-three fails to file the same within the time prescribed by said section, he shall become liable to a penalty at the rate of one dollar for each such return, list or report of a payment to another person not so filed; provided, however, that the total penalty imposed on a delinquent person for all such failures during any calendar year shall not exceed one thousand dollars. Such penalty shall be paid upon notice by the commissioner and shall be assessed and collected in the same manner as a tax imposed by this chapter. The commissioner may, in his discretion, abate such penalty in whole or in part. The commissioner shall have the same remedies for the collection of said penalty as are provided in section forty-one for the collection of income taxes.

SECTION 2. This act shall apply to returns, lists or reports required to be filed after December thirty-first, nineteen hundred and fifty-eight.

Approved April 28, 1958.

CHAP. 299. AN ACT PROTECTING CERTAIN OFFICERS AND EMPLOYEES OF REDEVELOPMENT AUTHORITIES AGAINST ARBITRARY REMOVAL AND CREDITING THEM WITH ANY TIME DURING WHICH THEY WERE EMPLOYED BY A HOUSING AUTHORITY.

Be it enacted, etc., as follows:

Section 26QQ of chapter 121 of the General Laws, as amended by section 1 of chapter 150 of the acts of 1957, is hereby further amended by adding at the end the following three paragraphs: —

A veteran, as defined in section twenty-one of chapter thirty-one, who holds an office or position in the service of a redevelopment au-

thority not classified under said chapter thirty-one, and has held such office or position for not less than three years, shall not be involuntarily separated from such office or position except subject to and in accordance with the provisions of sections forty-three and forty-five of said chapter thirty-one to the same extent as if said office or position were classified under said chapter. If the separation in the case of such unclassified offices or positions results from lack of work or lack of money, such a veteran shall not be separated from his office or position while similar offices or positions in the same group or grade, as defined in section forty-five of chapter thirty, exist unless all such offices or positions are held by such veterans, in which case such separation shall occur in the inverse order of their respective original appointments.

No person permanently employed by a redevelopment authority, who is not classified under chapter thirty-one, shall, after having actually performed the duties of his office or position for a period of six months, be discharged, removed, suspended, laid off, transferred from the latest office or employment held by him without his consent, lowered in rank or compensation, nor shall his office or position be abolished, except for just cause and in the manner provided by sections forty-three and forty-five of chapter thirty-one.

Any employee who has transferred from a housing authority to a redevelopment authority shall, for the purposes of this section, be credited for the period of time in which he was employed by a housing authority.

Approved April 28, 1958.

CHAP. 300. AN ACT PROVIDING THAT JUSTICES OF APPELLATE DIVISIONS SHALL SERVE IN APPELLATE DIVISIONS OTHER THAN THEIR OWN WHEN REQUESTED.

Be it enacted, etc., as follows:

The first paragraph of section 108 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the fifth sentence the following sentence:— The presiding justice of any appellate division may call upon a justice of any other appellate division to serve in his division, and when so requested such justice shall serve therein.

Approved April 28, 1958.

CHAP. 301. AN ACT PROVIDING THAT AN EMPLOYEE OF A MOSQUITO CONTROL PROJECT SHALL BE ELIGIBLE FOR CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to make immediately available group insurance to employees of mosquito control projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 32A of the General Laws is hereby amended by striking out paragraph (b), as amended by section 1 of chapter 582 of the acts of 1956, and inserting in place thereof the following paragraph:—

(b) "Employee", any person in the service of the commonwealth,

including a person who is an employee of a mosquito control project, whether such person be employed, appointed, or elected by popular vote; provided, the duties of such person require that his time be devoted to the service of the commonwealth during the regular work week of permanent employees, except that persons elected by popular vote will be considered employees during the entire term for which they are elected, regardless of hours devoted to the service of the commonwealth. By way of illustration but not limitation, a person appointed, or elected by popular vote, shall include employees of the general court, state officials, constitutional officers and members of the general court, but shall in no event be construed to include members of the judiciary paid in whole or in part from other than state funds, seasonal employees or emergency employees. A determination by the commission that a person is eligible for participation in the plan of insurance shall be final and shall be binding on all parties.

Approved April 30, 1958.

CHAP. 302. AN ACT RELATIVE TO THE FUNDING OF CERTAIN INDEBTEDNESS BY THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. The city of Chelsea, for the purposes specified in section two, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars, and may issue and sell bonds or notes therefor which shall bear on their face the words City of Chelsea Funding Loan, Act of 1958. Said loan shall be paid in not more than five years from the date of issue. Indebtedness incurred under this section shall be within the statutory limit but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Amounts borrowed under authority of section one shall be used in meeting deficits aggregating one hundred fifty-one thousand one hundred and forty-four dollars and seventy-one cents consisting of overlay deficits on levies during the years nineteen hundred and fifty-five to nineteen hundred and fifty-seven, inclusive, of forty thousand seven hundred and twenty-seven dollars and fifty-nine cents, a revenue deficit for the year nineteen hundred and fifty-seven of sixty-three thousand two hundred and fifty-seven dollars and eighty-seven cents, and payments of final judgments in accordance with the provisions of section thirty-one of chapter forty-four of the General Laws in the amount of forty-seven thousand one hundred and fifty-nine dollars and twenty-five cents.

SECTION 3. This act shall take effect upon its acceptance by vote of the board of aldermen of said city, subject to the provisions of its charter, but not otherwise.

Approved May 2, 1958.

CHAP. 303. AN ACT RELATIVE TO THE USE OF THE UNEXPENDED PROCEEDS OF CERTAIN EQUIPMENT BOND ISSUES OF THE METROPOLITAN TRANSIT AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 544 of the acts of 1947 is hereby amended by adding at the end the following paragraph: —

Any provision of this section or of section twenty-three to the contrary notwithstanding, if any unexpended proceeds from any issue of bonds or notes issued by the authority under the first or fourth paragraph of this section remain after completion of the project for which such bond or note issue was authorized, such proceeds may be used, with the approval of the department of public utilities and the advisory board of the authority, either for the purpose of paying the principal of the first bonds or notes of such issue to mature after such approval by said department or for any purpose for which bonds or notes may be issued for an equal or longer period of time under the first or fourth paragraph of this section.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1958.

CHAP. 304. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO PAY A SUM OF MONEY TO FRANCIS L. MCCARTHY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation the town of Watertown may appropriate and pay to Francis L. McCarthy of said town such sums, not exceeding two hundred and twenty-five dollars, as may be necessary to reimburse him for hospital, medical and other expenses, not compensated for by insurance, incurred by him on account of injuries received by his minor son, James Leonard McCarthy, while playing in a town park.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1958.

CHAP. 305. AN ACT RELATIVE TO THE DISCLOSURE OF THE CONTENTS OF CORPORATE EXCISE RETURNS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is principally and also immediately to furnish reciprocal rights to the United States Internal Revenue Service relating to the examination of certain corporate excise tax returns filed with the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 63 of the General Laws is hereby amended by striking out section 71A, as most recently amended by section 66 of chapter 654 of the acts of 1953, and inserting in place thereof the following section: — *Section 71A.* The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth, or of any city or town therein, to any person but the taxpayer or its agent, except as hereinafter provided, of any information whatever contained in or set forth by any return filed under this chapter, other than the name and address of the person filing it, except in proceedings to collect the tax or for the purpose of criminal prosecution under this chapter is prohibited. The commissioner, however, may grant to the United States Commissioner of Internal Revenue, and other authorized officials duly designated by him who are lawfully charged with the ad-

ministration of the United States income tax law, permission to inspect returns required to be filed under this chapter. Said authorization shall, as to the documents to be made available for inspection, be extended on the same basis as the authority that may be lawfully granted by the said United States commissioner to the officials of the commonwealth to examine United States income tax returns. Such inspection shall, however, be limited exclusively to the purpose of administering the said United States income tax law. Violation of any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than six months, or both, and by disqualification from holding office in the commonwealth for such period, not exceeding three years, as the court determines.

Approved May 2, 1958.

CHAP. 306. AN ACT INCREASING CERTAIN FEES TO BE PAID BY DELINQUENT TAXPAYERS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to increase as of July first, nineteen hundred and fifty-eight certain fees to be paid by delinquent taxpayers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 60 of the General Laws is hereby amended by striking out clause 2, as appearing in chapter 398 of the acts of 1952, and inserting in place thereof the following clause:—

2. For each written demand provided for by law, one dollar;.

SECTION 2. Said section 15 of said chapter 60 is hereby further amended by striking out clauses 9 and 10, as so appearing, and inserting in place thereof the following two clauses:—

9. For the issuance and delivery of a warrant to an officer, one dollar;

10. For notice to the delinquent that warrant has been issued, two dollars;.

SECTION 3. This act shall take effect on July first, nineteen hundred and fifty-eight.

Approved May 2, 1958.

CHAP. 307. AN ACT CLARIFYING THE PROVISIONS OF LAW RELATING TO LICENSES TO OPERATE MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 8, as most recently amended by chapter 351 of the acts of 1957, and inserting in place thereof the following section:— *Section 8.* Application for license to operate motor vehicles may be made by any person; but before such a license is granted the applicant shall pass such examination as to his qualifications as the registrar, without discriminating as to age, shall require, and no license shall be issued until the registrar or his authorized agent is satisfied that the applicant is a proper person to receive it, and no such license shall be issued to any person under sixteen years of age. If for any reason the registrar or his agents are unable to examine an applicant for a license promptly, the

applicant may be issued a receipt for the fee paid, provided that the applicant shows that he is duly licensed in a state or country which state or country the registrar has finally determined prescribes and enforces standards of fitness for operators of motor vehicles substantially as high as those prescribed and enforced by this commonwealth. Said receipt shall be carried in lieu of the license, and for a period of sixty days from the date of its issue said receipt shall have the same force and effect given to the license by this chapter. To each licensee shall be assigned some distinguishing number or mark, and the licenses issued shall be in such form as the registrar shall determine. They may contain special restrictions and limitations. They shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, a brief description of him for purposes of identification, and such other information as the registrar shall deem necessary. A person to whom a license to operate motor vehicles has been issued, unless such license contains a special limitation or restriction, may operate any registered motor vehicle. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature on the margin of the license, in the space provided for the purpose, immediately upon the receipt of said license, and such license shall not be valid until so endorsed. A license or any renewal thereof issued to an operator shall expire on the anniversary of the operator's date of birth occurring more than twelve months but not more than twenty-four months after the effective date of such license. If any such license or the renewal thereof expires in an even year, any subsequent renewal shall expire on the next anniversary of the operator's date of birth occurring in an even year. If any such license or renewal thereof expires in an odd year, any subsequent renewal shall expire on the next anniversary of the operator's date of birth occurring in an odd year. The license issued to an operator born on February twenty-ninth shall, for the purpose of this section, expire on March first. Every application for an original license filed under this section shall be sworn to by the applicant before a justice of the peace or notary public and, if the applicant is under age eighteen, be accompanied by the written consent in such form as the registrar shall determine of a parent or guardian or other person standing in the place of a parent of the applicant.

A person who removes from the commonwealth, or suffers physical or mental incapacity, or dies, after a license to operate motor vehicles has been issued to him may, or his legal representative may, return such license to the registrar within twelve months from the date of issue, accompanied by a written application for a rebate containing the reasons therefor. If the registrar is satisfied that the reasons stated are valid, such person or legal representative shall be entitled to a rebate of one half the fee paid for such license; provided, that no such rebate may be paid except upon a certificate, filed with the comptroller, setting forth the facts, and signed by the registrar or his authorized agent; and provided, also, that the rebate may be paid out of the fees received for licenses to operate motor vehicles without specific appropriation. No such rebate may be made if such license has been revoked or suspended or if the registrar deems there is probable cause for such suspension or revocation.

Approved May 2, 1958.

CHAP. 308. AN ACT TO PERMIT INCOME TO BE REPORTED ON THE
INSTALLMENT METHOD UNDER CERTAIN CIRCUMSTANCES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 62 of the General Laws is hereby amended by adding at the end the following section:— *Section 63.* (a) The state tax commission, hereinafter called the commission, may, by regulation, permit taxpayers described in paragraph (b) to return as income in any year that proportion of the installment payments actually received in such year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(b) The provisions of paragraph (a) shall apply to a taxpayer who regularly sells or otherwise disposes of personal property on the installment plan, or who has made a casual sale or other casual disposition of personal property, other than property of a kind which would properly be included in the inventory of such taxpayer if on hand at the close of the taxable year, for a price exceeding one thousand dollars or has made a sale or other disposition of real property, and the payments, if any, exclusive of evidences of indebtedness of the purchaser, received on account of such sale or disposition during the year in which the sale or disposition was made do not exceed thirty per cent of the selling price.

(c) The commission may, in any regulations promulgated by it, make the reporting of income on the installment method, as provided in this section, subject to the receipt by it of appropriate security or commitments from the taxpayer that the entire unpaid tax on the gain resulting from any installment sale will be paid in the event that the taxpayer ceases to be an inhabitant of the commonwealth, dies, or disposes of the evidences of indebtedness of the purchaser.

SECTION 2. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved May 2, 1958.

CHAP. 309. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO CONVEY
CERTAIN PARK LAND TO THE ARLINGTON HOUSING AUTHORITY
FOR HOUSING OF AGED CITIZENS.

Be it enacted, etc., as follows:

SECTION 1. The town of Arlington is hereby authorized to convey for a nominal consideration to the Arlington Housing Authority the following described parcel of park land to be used by said Authority for the erection thereon of housing for aged citizens of said town:—

Beginning at a point on northerly boundary of land belonging to the Boston and Maine Railroad at the intersection of land in Lexington and line of the town of Arlington; thence easterly on said northerly side line of land belonging to the Boston and Maine Railroad a distance of four hundred feet more or less to an angle point; then northeasterly a distance of one hundred and sixty feet more or less to a point; thence northeasterly again a distance of one hundred and sixty feet more or less to an angle point; thence northwesterly fifty feet more or less to a point; thence northwesterly one hundred and twenty feet more or less to a point on the south bank of Mill Brook; thence northwesterly again one hundred and ninety feet more or less to an angle point on the Lex-

ington line; thence southwesterly along said Lexington Town Line six hundred and twenty feet to the point of beginning and containing about one hundred and fifty-five thousand one hundred square feet more or less as shown on plan of land on file with the office of the Town Engineer, Arlington, Mass., and entitled, "Study Plan — Reservoir, Playground & Vicinity — Scale 1"=80' — January 1955 — James M. Keane, Town Engineer."

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1958.

CHAP. 310. AN ACT INCREASING THE BOND ISSUE AUTHORIZED FOR THE CONSTRUCTION OF CERTAIN PROJECTS AT LAURENCE G. HANSCOM FIELD AND PROVIDING FOR THE REIMBURSEMENT OF CERTAIN LESSEES FOR MONEY EXPENDED TO COMPLETE SAID PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. The state treasurer, upon certification by the airport management board, is hereby authorized to reimburse East Coast Aviation Corporation and Nagle Aircraft Service, lessees at the Laurence G. Hanscom Field, such sums as are approved and certified by the division of building construction to be the fair value of any and all items for which reimbursement is sought for monies expended by said lessees to complete the construction of projects at said field authorized by the commissioner of airport management, with the approval of the airport management board under the provisions of chapter seven hundred and sixty-nine of the acts of nineteen hundred and fifty-five, as amended by chapter four hundred and ninety of the acts of nineteen hundred and fifty-six; provided, that such payment to said East Coast Aviation Corporation shall not exceed thirty-seven thousand five hundred dollars and such payment to said Nagle Aircraft Service shall not exceed twelve thousand five hundred dollars.

SECTION 2. Section 2 of chapter 769 of the acts of 1955 is hereby amended by inserting after the word "hundred", in line 8, the words: — and fifty, — so as to read as follows: — *Section 2.* To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor and council, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor and council from time to time, but not exceeding, in the aggregate, the sum of three hundred and fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Laurence G. Hanscom Field Improvement Loan of 1955, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty-five years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the

approval of the governor shall fix, but such bonds shall be payable not earlier than July first, nineteen hundred and fifty-six, nor later than June thirtieth, nineteen hundred and eighty-one.

SECTION 3. Before any reimbursement is made under section one of this act, each of said companies shall assent to an amendment of its lease whereby its annual rental shall be increased by an amount sufficient to amortize such reimbursement, including the interest provided for in section two of this act, within the term of such lease.

Approved May 6, 1958.

CHAP. 311. AN ACT AUTHORIZING CITIES AND TOWNS OPERATING MUNICIPAL LIGHTING OR GAS PLANTS TO CONTRACT FOR THE TRAINING AND EMPLOYMENT OF CADET ENGINEERS.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by inserting after section 69 the following five sections, under the following caption:—

TRAINING AND EMPLOYMENT OF CADET ENGINEERS IN MUNICIPAL LIGHT AND GAS PLANTS.

Section 69A. The following words and phrases as used in sections sixty-nine B to sixty-nine E, inclusive, shall, unless the context otherwise requires, have the following meanings:—

“Municipal Light board”, the municipal light board, municipal gas and electric commission or similar body in a city or town having a municipal light board, gas and electric commission or similar body; the mayor of a city having no municipal light board, municipal gas and electric commission or similar body; or the selectmen of a town having no municipal light board, municipal gas and electric commission or similar body.

“Manager”, the manager of municipal lighting of the city or town.

“Cadet engineer”, any individual who has contracted with a city or town pursuant to the provisions of section sixty-nine B, and who has not completed “graduate on the job training” as provided for in said section.

“Plant”, the municipal light plant or the municipal gas plant or the municipal gas and electric plant of the contracting city or town.

“Educator”, the superintendent of schools of the contracting city or town, or the superintendent or director of any accredited school or school system located within such city or town, a member of the school board or school committee of the contracting city or town, or a principal officer of any duly accredited high school or junior high school located within the contracting city or town.

Section 69B. Any city or town owning or operating a municipal lighting or municipal gas plant pursuant to the provisions of this chapter may contract for the training and employment of cadet engineers in its plant; provided, however, that no such contract shall be entered into if there is a civil service eligible list from which an appointment may be made at the time. Such contract shall be in writing, and signed by the manager and the applicant for training and employment as a

cadet engineer. Such contract shall not be voidable or unenforceable because of the age of the cadet engineer; provided, that he had attained the age of seventeen when the contract was executed and that his parent or parents assent thereto in writing.

The contract shall provide (a) that the cadet engineer shall, by a date to be specified, begin or continue attendance at a duly accredited college or university within the commonwealth, having a course of study leading to a degree of bachelor of science in engineering. The contract may, in the discretion of the municipal light board, prescribe certain minimum courses of study to be undertaken by the cadet engineer in such college or university.

(b) That the cadet engineer shall, throughout the course of his college or university training as aforesaid, engage in work to be known as "on the job training", at the plant under the supervision and direction of the manager or his duly authorized representative, for such number of weeks during regular college or university vacations as the municipal light board may determine. The compensation for "on the job training" shall be at an hourly rate to be determined by the municipal light board.

(c) That the cadet engineer shall, upon final completion of his course of study at a college or university as aforesaid, engage in work to be known as "graduate on the job training" on a full-time basis at the plant under the supervision and direction of the manager or his duly authorized representative, for a period of time to be determined by the said municipal light board, and specified in the contract, which period of time shall in no event exceed a period of five years. The compensation for "graduate on the job training" shall be at an hourly rate to be determined by the municipal light board.

(d) That the cadet engineer shall, throughout his course of study at a college or university as aforesaid, maintain such minimum academic standing in such college or university as may be prescribed in the contract by the municipal light board.

(e) That the cadet engineer shall not work for any other person, corporation or municipality until such time as he has completed "graduate on the job training" as prescribed in the contract; provided, however, that the municipal light board may credit all or any part of time spent by a cadet engineer in active service in the armed forces of the United States as part of the cadet engineer's prescribed "graduate on the job training".

(f) That the city or town shall pay all or such portion of the cadet engineer's tuition at the college or university attended by him as aforesaid, as the municipal light board shall determine and prescribe in the said contract. The term "tuition" shall be deemed to include the actual cost of all books or laboratory or similar equipment that may be required by the cadet engineer in his course of study.

(g) That the municipal light board may, in the event that the cadet engineer at any time fails to maintain his attendance or academic standing in the college or university as prescribed in the contract, or in any other way fails to perform his obligations under the contract, terminate the contract by a written notice to the cadet engineer; provided, however, that this remedy shall not be deemed to be conclusive, and shall not prejudice any other remedies which the contracting city or town may have for breach of the said contract, whether at law or in equity.

(h) For such other and further provisions, not inconsistent with the provisions of sections sixty-nine A to sixty-nine E, inclusive, as the municipal light board may deem necessary or appropriate.

Section 69C. Applicants for training and employment as cadet engineers shall be selected by a selection committee as hereinafter provided upon request of the municipal light board.

The selection committee shall be appointed by the municipal light board and shall be comprised of not less than five nor more than seven members; provided, however, that the committee shall include the manager and shall include at least two educators who are residents of the contracting city or town. The members of the selection committee shall be appointed for a term of one year, and shall serve without compensation.

At least three weeks prior to the date of final selection of the applicants for training and employment as cadet engineers the municipal light board shall cause a notice to be published in a newspaper of general circulation in the contracting city or town, which notice shall state that applications will be received for appointments of cadet engineers pursuant to the provisions of sections sixty-nine A to sixty-nine E, inclusive. The notice shall state the time and place at which such applications will be received.

An applicant for appointment as a cadet engineer must be a resident of the contracting city or town, a graduate of a duly accredited high school therein, shall be not less than seventeen nor more than twenty-five years of age, and must have been accepted for admission to or be enrolled in a duly accredited college or university within the commonwealth having a course of study leading to a degree of bachelor of science in engineering.

The municipal light board shall specify the number of cadet engineers to be selected from among the applicants. The selection committee shall select cadet engineers from among the applicants on the basis of academic ability, past courses of study and good moral character. The selection committee shall not discriminate among the applicants because of race, color, creed or national origin.

Section 69D. The employment of the cadet engineer in "on the job training" shall not be subject to the civil service laws and rules, but the appointment shall be reported to the division of civil service in such form as the director of civil service may require. The employment of the cadet engineer in "graduate on the job training" shall be in accordance with the civil service laws and rules, wherever applicable.

A cadet engineer shall not be subject to or entitled to the benefits of civil service laws, retirement laws, or pension laws during his time of service as a cadet engineer, except that deductions shall be made from his salary and paid into the contributory retirement system of the city or town in accordance with the provisions of the contributory retirement act, but he shall nevertheless be considered as an employee of the contracting city or town when actually employed in "on the job training" or "graduate on the job training" for purposes of workmen's compensation laws; provided, however, that the "graduate on the job training" period of any cadet engineer who, following his "graduate on the job training", continues in the employ of the contracting city or town as a permanent full-time employee, shall be considered as "credit-

able service" for purposes of retirement laws, pension laws, and other laws pertaining to municipal employees.

Section 69E. All expenses, obligations or commitments for the payment of money incurred by the contracting city or town, pursuant to the provisions of sections sixty-nine A to sixty-nine D, inclusive, shall be considered as part of the annual expense of the plant for the year in which they are incurred, and shall be paid from the income of the plant in accordance with the provisions of this chapter.

Approved May 6, 1958.

CHAP. 312. AN ACT ESTABLISHING THE OFFICE OF PURCHASING AGENT
IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Malden a purchasing department, to consist of a purchasing agent and such assistants as the city council may determine. The salaries of the purchasing agent and assistants shall be determined by the city council. The agent and assistants shall be appointed by the mayor subject to the approval of the city council for such terms of office as may be prescribed by ordinance, and may be removed for cause by the mayor with the approval of the city council. The purchasing agent shall purchase all supplies for the city and for every department thereof except in case of emergency. All purchases or contracts for purchase exceeding one hundred dollars in amount shall be based upon competition. A record shall be kept by the department of the prices paid for the supplies, and shall be open to the inspection of any citizen.

SECTION 2. Chapter eighty-six of the acts of nineteen hundred and forty-eight is hereby repealed.

SECTION 3. This act shall take effect upon its acceptance by vote of the city council of the city of Malden, subject to the provisions of its charter, but not otherwise.

Approved May 6, 1958.

CHAP. 313. AN ACT TO PERMIT THE EXAMINATION OF INHERITANCE
TAX RETURNS BY THE UNITED STATES COMMISSIONER OF
INTERNAL REVENUE.

Be it enacted, etc., as follows:

Chapter 65 of the General Laws is hereby amended by striking out section 35, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 35.* The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth, or of any city or town therein, of any information whatever contained in or set forth by any return or document filed with the commissioner in connection with the assessment of the tax on legacies and successions under this chapter, except inventories filed with him under section twenty-two, is prohibited except in proceedings to assess or collect the tax; provided, however, that the commissioner may grant to the persons charged or likely to become charged with the payment of taxes in the case in which such return or document is filed, or their representatives, permission to inspect the

same; and provided, further, that the commissioner, however, may grant to the United States Commissioner of Internal Revenue, and other authorized officials duly designated by him who are lawfully charged with the administration of the United States estate tax law, permission to inspect such returns and documents. Such authorization to the United States Commissioner of Internal Revenue shall, as to the returns and documents to be made available for inspection, be extended on the same basis as the authority that may be lawfully granted by the United States Commissioner to the officials of the commonwealth to examine United States estate tax returns. Such inspection shall, however, be limited exclusively to the purpose of administering the said United States estate tax law. Violation of any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than six months, or both, and by disqualification from holding office in the commonwealth for such period, not exceeding three years, as the court determines.

Approved May 6, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, May 7, 1958.

HONORABLE EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 313 of the Acts of 1958, entitled, "An Act to Permit the Examination of Inheritance Tax Returns by the United States Commissioner of Internal Revenue" and the enactment of which received my approval on May 6, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will unnecessarily delay securing permission from the federal authorities for inspection of federal estate and gift tax returns which will be of great assistance to our authorities in administering the Massachusetts inheritance tax law.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 7, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter three hundred and thirteen of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 314. AN ACT ENLARGING THE POWERS AND DUTIES OF THE
BEACON HILL ARCHITECTURAL COMMISSION IN THE CITY
OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1955 is hereby amended by striking out section 5 and inserting in place thereof the following section: — *Section 5. Limitation on Issuance of Building Permit.* — No permit shall be issued by the building commissioner for the construction of any structure in the historic Beacon Hill district or the reconstruction, alteration or demolition of any structure now or hereafter in said district, except in cases excluded by section nine of this act, unless the application for such permit shall bear a certificate under section six of this act that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under section seven of this act.

SECTION 2. Section 7 of said chapter 616 is hereby amended by striking out, in line 3, the words “or alter” and inserting in place thereof the words: — , alter, change the exterior color of or demolish, — and by striking out, in lines 30, 49 and 62, the words “or alteration” and inserting in place thereof, in each instance, the words: — , alteration, change in exterior color or demolition.

SECTION 3. Said chapter 616 is hereby further amended by striking out section 8.

SECTION 4. Said chapter 616 is hereby further amended by striking out section 9 and inserting in place thereof the following section: — *Section 9. Exclusions.* — Nothing in this act shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature now or hereafter in the historic Beacon Hill district which involves no change in design, material, color or outward appearance thereof; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.

SECTION 5. Said chapter 616 is hereby further amended by striking out section 11 and inserting in place thereof the following section: — *Section 11. Enforcement.* — Whoever constructs, reconstructs, alters, changes the exterior color of or demolishes any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

The superior court sitting as aforesaid may, upon application of the commission, restrain the construction, reconstruction, alteration, change in exterior color or demolition of any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered or demolished in violation thereof or the exterior color of which is changed in violation thereof.

Approved May 7, 1958.

CHAP. 315. AN ACT EXTENDING THE HISTORIC BEACON HILL DISTRICT
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1955 is hereby amended by inserting after section 1 the following section: — *Section 1A.* The Historic Beacon Hill District created by section one is hereby enlarged and extended to include an area contiguous thereto, bounded as follows: — southerly by Byron street; westerly by Brimmer street; southerly again by Beaver place; westerly again by Embankment road; northerly by Pinckney street; and easterly by a line parallel with, and eighty feet distant westerly from, the westerly line of Charles street.

SECTION 2. Nothing in this act shall be construed to prevent or affect the construction, reconstruction, alteration or demolition of any structure within the area defined in section one under a permit issued prior to the effective date of this act by the building commissioner of the city of Boston whether or not an exterior architectural feature is involved.

Approved May 7, 1958.

CHAP. 316. AN ACT DESIGNATING THE TREATMENT CENTER OF THE
FOXBOROUGH STATE HOSPITAL AS THE DR. RODERICK B.
DEXTER TREATMENT CENTER.

Be it enacted, etc., as follows:

SECTION 1. The treatment center of the Foxborough state hospital shall be designated and known as the Dr. Roderick B. Dexter Treatment Center in lasting recognition of Dr. Dexter's great service to the public as a humanitarian and public-spirited citizen. The department of mental health is hereby authorized and directed to erect in an appropriate location a suitable plaque bearing said designation.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1958.

CHAP. 317. AN ACT EXTENDING THE TIME WITHIN WHICH BOSTON
POLICE POST NO. 1018, VETERANS OF FOREIGN WARS OF THE
UNITED STATES, INC., MAY CONSTRUCT A CERTAIN BUILD-
ING ON LAND CONVEYED TO IT BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 416 of the acts of 1954 is hereby amended by striking out, in line 14, the word "fifty-nine" and inserting in place thereof the word: — sixty-four, — so as to read as follows: — *Section 1.* The commissioner of mental health, in the name and on behalf of the commonwealth, is hereby authorized, subject to the approval of the governor and council, to convey for a nominal consideration to Boston Police Post, No. 1018, Veterans of Foreign Wars of the United States, Inc. all the right, title and interest of the commonwealth in and to a triangular parcel of land at the Boston state hospital, bounded as follows: — Southerly by the American Legion Highway; westerly by Morton street; and northerly by Canterbury street. In the event that a structure, such as a club house to be used as a recreational or educa-

tional center, is not constructed on said land by the grantee on or before the first day of January, nineteen hundred and sixty-four, then title to all of said land shall revert to and be vested in the commonwealth. The deed conveying said land shall be approved as to its form by the attorney general.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1958.

CHAP. 318. AN ACT RELATIVE TO EXPENDITURES OF MONEY BY THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY FOR THE PURPOSE OF ADVERTISING AND PROMOTING FAIRS IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Franklin county may, for the purpose of advertising and promoting fairs in said county, expend such sums, not exceeding, in the aggregate, five hundred dollars in any one year, as may be appropriated therefor.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1958.

CHAP. 319. AN ACT AUTHORIZING THE CITY OF MALDEN TO PAY THE CLARENDON CONSTRUCTION & TRUCKING CO., INC. FOR MATERIALS FURNISHED TO SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden is hereby authorized to pay to Clarendon Construction & Trucking Co., Inc. the sum of thirteen hundred and seventy-eight dollars and eighty cents for materials furnished by it to said city, the claim for such sum being legally unenforceable by reason of the failure of said city to invite bids for such materials pursuant to law.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1958.

CHAP. 320. AN ACT REPEALING THE LAW PROVIDING FOR THE DESIGNATION OF ROUTE 17 FROM DANVERS TO NEW HAMPSHIRE AS ROUTE 1 ALTERNATE.

Be it enacted, etc., as follows:

Chapter seven hundred and fourteen of the acts of nineteen hundred and fifty-six is hereby repealed.

Approved May 12, 1958.

CHAP. 321. AN ACT MAKING CERTAIN CLARIFYING CHANGES IN THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 32 of the General Laws is hereby amended by striking out the definition "Maximum age", as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following definition: —

“Maximum age”, the age on the last day of the month in which any member classified in Group 1 as provided for in paragraph (2) (g) of section three attains age seventy, or if classified in Group 2 or Group 3 attains age sixty-five.

SECTION 2. Clause (iv) of paragraph (a) of subdivision (2) of section 3 of said chapter 32, as most recently amended by section 1 of chapter 609 of the acts of 1956, is hereby further amended by striking out, in line 14, the word and letter “Group A” and inserting in place thereof the word and number: — Group 1.

SECTION 3. Said subdivision (2) of said section 3 of said chapter 32 is hereby further amended by striking out paragraph (g), as most recently amended by section 1 of chapter 630 of the acts of 1957, and inserting in place thereof the following paragraph: —

(g) Department heads shall furnish to the board within thirty days after the receipt of a written request therefor, a statement giving the name, title, rate of regular compensation, duties, date of birth and length and class of service of each employee in his department and thereupon the board shall classify each member in one of the following groups:

Group 1. — Officials and general employees including clerical, administrative and technical workers, laborers, mechanics and all others not otherwise classified.

Group 2. — Members of police and fire departments not classified in *Group 1*, members of the police force of the metropolitan district commission, capitol police, public works building police, permanent watershed guards and permanent park police, employees of the Port of Boston Commission comprising guards, guard sergeants, head guard and chief of waterfront police, conservation officers paid as such, district fire wardens, coastal wardens in the department of natural resources, officials and employees of the registry of motor vehicles having police powers, officials and employees of the department of public safety having police powers, employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees, employees of the General Edward Lawrence Logan International Airport, comprising permanent crash crewmen, fire control man, assistant fire control men, and employees of the commonwealth and of any county, regardless of any official classification, whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners or insane persons or of defective delinquents; provided, that no member who attains age sixty-five while classified in *Group 1* may thereafter be classified in *Group 2*, irrespective of change of employment.

Group 3. — Officers and inspectors of the division of state police in the department of public safety referred to in section twenty-six, who shall be retired and receive retirement allowances as provided for in said section and in section seven, anything in sections one to twenty-eight inclusive to the contrary notwithstanding.

SECTION 4. The first sentence of paragraph (a) of subdivision (1) of section 5 of said chapter 32, as amended by section 4 of chapter 388 of the acts of 1947, is hereby further amended by striking out, in lines 2 and 3, the words “Group A or Group B” and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 5. Said subdivision (1) of said section 5 of said chapter 32, is hereby amended by striking out paragraph (c), as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following paragraph: —

(c) Any member in service who, as the result of the provisions of paragraph (2) (g) of section three, is reclassified as a member in Group 2 after attaining the maximum age for said group, upon his written request and with the approval of the board, may be continued in service for a period not exceeding two years from the date as of which he is reclassified but in no event beyond the maximum age for a member classified in Group 1; provided, that no deductions shall be made from his regular compensation after such date of reclassification and when retired he shall receive a superannuation retirement allowance equal to that to which he would have been entitled under his new classification if retired at the maximum age for a member classified in Group 2. Such member upon such reclassification shall be paid that portion of the amount of his accumulated regular deductions which is attributable to his service after attaining the maximum age for a member classified in Group 2.

SECTION 6. Paragraph (a) of subdivision (2) of said section 5 of said chapter 32, as appearing in section 1 of chapter 661 of the acts of 1957, is hereby amended by striking out, in line 2, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 7. Said paragraph (a) of said subdivision (2) of said section 5 of said chapter 32 is hereby further amended by striking out the table, as so appearing, and inserting in place thereof the following table: —

Table showing Percentage of the Amount of Average Annual Rate of Regular Compensation to be multiplied by the Number of Years of Creditable Service.

PER CENT.	AGE LAST BIRTHDAY AT DATE OF RETIREMENT.	
	Group 1.	Group 2.
2.5	65 or over	60 or over
2.4	64	59
2.3	63	58
2.2	62	57
2.1	61	56
2.0	60	55
1.9	59	—
1.8	58	—
1.7	57	—
1.6	56	—
1.5	55	—

SECTION 8. Paragraph (c) of said subdivision (2) of said section 5 of said chapter 32, as so appearing, is hereby amended by striking out,

in line 1, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 9. Paragraph (d) of said subdivision (2) of said section 5 of said chapter 32, as so appearing, is hereby amended by striking out, in line 2, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 10. Subdivision (1) of section 6 of said chapter 32 is hereby amended by striking out, in lines 1 and 2, as appearing in section 5 of chapter 667 of the acts of 1947, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 11. Subdivision (2) of said section 6 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out, in line 9 and in line 18, the words "Group A or Group B" and inserting in place thereof, in each instance, the words:— Group 1 or Group 2.

SECTION 12. Subdivision (1) of section 7 of said chapter 32 is hereby amended by striking out, in lines 2 and 3, as so appearing, the words "Group A or Group B, or any member in service classified in Group C" and inserting in place thereof the words: — Group 1 or Group 2, or any member in service classified in Group 3.

SECTION 13. Paragraph (a) of subdivision (2) of said section 7 of said chapter 32 is hereby amended by striking out, in lines 2 and 3, as so appearing, the words "Group A or Group B, or for any member classified in Group C" and inserting in place thereof the words:— Group 1 or Group 2, or for any member classified in Group 3.

SECTION 14. Paragraph (b) of said subdivision (2) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out, in line 4, the words "Group B" and inserting in place thereof the words: — Group 2.

SECTION 15. Paragraph (a) of subdivision (3) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out, in line 8, the words "Group B or Group C" and inserting in place thereof the words: — Group 2 or Group 3.

SECTION 16. Paragraph (b) of said subdivision (3) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out, in line 2, the words "Group B or Group C" and inserting in place thereof the words: — Group 2 or Group 3.

SECTION 17. Subdivision (1) of section 10 of chapter 32, as most recently amended by section 2 of chapter 661 of the acts of 1957, is hereby further amended by striking out, in line 1, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2, — and by striking out, in line 33, the words "Group A" and inserting in place thereof the words: — Group 1.

SECTION 18. Paragraph (b) of subdivision (2) of said section 10 of said chapter 32 is hereby amended by striking out, in line 1, as appearing in section 1 of chapter 784 of the acts of 1951, the words "Group A or Group B" and inserting in place thereof the words:— Group 1 or Group 2.

SECTION 19. Paragraph (b) of subdivision (1) of section 16 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out, in lines 1 and 2, the words "Group A

or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 20. Subdivision (2) of said section 16 of said chapter 32, as most recently amended by section 2 of chapter 784 of the acts of 1951, is hereby further amended by striking out, in line 2, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 21. Paragraph (a) of subdivision (3) of said section 16 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out, in lines 1 and 2, the words "Group A or Group B" and inserting in place thereof the words: — Group 1 or Group 2.

SECTION 22. Subdivision (5) of said section 16 of said chapter 32, as so appearing, is hereby amended by striking out, in line 11, the words "Group C" and inserting in place thereof the words: — Group 3.

SECTION 23. Paragraph (a) of subdivision (2) of section 26 of said chapter 32, as so appearing, is hereby amended by striking out, in line 1, the words "Group C" and inserting in place thereof the words: — Group 3.

SECTION 24. Paragraph (a) of subdivision (3) of said section 26 of said chapter 32, as so appearing, is hereby amended by striking out, in line 1 and in line 17, the words "Group C" and inserting in place thereof, in each instance, the words: — Group 3.

SECTION 25. Paragraph (b) of said subdivision (3) of said section 26 of said chapter 32, as so appearing, is hereby amended by striking out, in line 1, the words "Group C" and inserting in place thereof the words: — Group 3.

SECTION 26. Subdivision (4) of said section 26 of said chapter 32, as so appearing, is hereby amended by striking out, in line 5, the words "Group C" and inserting in place thereof the words: — Group 3.

Approved May 12, 1958.

CHAP. 322. AN ACT CLARIFYING THE PENALTY WHICH MAY BE IMPOSED UPON PERSONS MAKING FALSE REPORTS RELATIVE TO THE LOCATION OF EXPLOSIVES OR OTHER DANGEROUS SUBSTANCES.

Be it enacted, etc., as follows:

Chapter 269 of the General Laws is hereby amended by striking out section 14, inserted by chapter 210 of the acts of 1957, and inserting in place thereof the following section: — *Section 14.* Whoever, knowing the same to be false, transmits or causes to be transmitted to any person by telephone or other means a communication falsely reporting the location of any explosive or other dangerous substance or contrivance thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons, shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in a jail for not more than two and one half years or by a fine of not more than one thousand dollars or by both such fine and imprisonment in jail.

Approved May 12, 1958.

CHAP. 323. AN ACT MAKING CERTAIN BILLS FOR SERVICES OF PHYSICIANS, DENTISTS AND CERTAIN HOSPITALS ADMISSIBLE IN EVIDENCE IN ACTIONS OF TORT FOR PERSONAL INJURIES.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after section 79F, inserted by chapter 476 of the acts of 1952, the following section: — *Section 79G.* In an action of tort for personal injuries, or for consequential damages arising therefrom, an itemized bill for medical, dental or hospital services rendered to a person injured, subscribed and sworn to under the penalties of perjury, by the physician, dentist or authorized agent of the hospital rendering such services, shall be admissible as evidence of the fair and reasonable charge for such services; provided, that said bill shall include only the date and place of each service rendered because of said injury and the charge therefor without reference to the injury itself or the history thereof; and provided, further, that written notice of the intention to offer such a bill as such evidence, together with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same by certified mail, return receipt requested, not less than ten days before the trial, and that an affidavit of such notice and the return receipt is filed with the clerk of the court forthwith after said receipt has been returned. Nothing contained in this section shall be construed to limit the right of the defendant to summon, at his own expense, such physician, dentist or agent or the records of such hospital for the purpose of cross examination with respect to such bill or record or to rebut the contents thereof, or for any other purpose, nor to limit the right of the defendant to summon any other person to testify in respect to such bill or record or for any other purpose.

The words “physician” and “dentist” shall not include any person who is not licensed to practice as such under the laws of the jurisdiction within which such services were rendered.

The word “hospital” shall mean any hospital required to keep records under section seventy of chapter one hundred and eleven, or which is in any way licensed or regulated by the laws of any other state, or by the laws and regulations of the United States of America, including hospitals of the Veterans Administration or similar type institutions, whether incorporated or not.

Approved May 12, 1958.

CHAP. 324. AN ACT PROVIDING FOR THE FREE DISTRIBUTION OF THE REPORT OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HIGH BLOOD PRESSURE.

Be it enacted, etc., as follows:

SECTION 1. The state secretary is hereby authorized and directed to transfer to the Paul A. McCarthy Memorial, also known as the hypertension laboratory of the Lemuel Shattuck Hospital all the volumes in his possession relating to study and report relative to high blood pressure and the means for the control thereof, said reports consisting of a bibliography and index of modern literature on high blood pressure, as

authorized by chapters forty-nine and eighty-one of the resolves of nineteen hundred and fifty-one.

SECTION 2. The superintendent of the Lemuel Shattuck Hospital is hereby authorized in his discretion to distribute said volumes to persons, clinics or hospitals in this commonwealth, with or without charge.

Approved May 12, 1958.

CHAP. 325. AN ACT AUTHORIZING THE TOWN OF HOPEDALE TO CONVEY CERTAIN PARCELS OF PARK LAND TO EMERSON B. TIFFT, TO FRANK V. PERRY AND IRENE C. PERRY AND TO JOSEPH F. BLATZ AND MADELINE J. BLATZ.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopedale is hereby authorized to sell and convey to Emerson B. Tiftt, for the consideration of three hundred dollars, a certain parcel of park land situated on the southwesterly side of Dutcher street in said town, being more particularly bounded and described as follows: —

Beginning at an easterly corner of the granted premises at a granite bound in the southwesterly line of Dutcher street, said point being the northerly corner of other land of said Tiftt;

Thence S. 57° 46' 30" W., 100.33 feet to a granite bound;

Thence S. 32° 13' 50" E., 65.25 feet to a granite bound at land of one Perry; said last two lines bounding on other land of said Tiftt;

Thence S. 55° 38' 05" W., 30.00 feet to a stake;

Thence N. 9° 59' 30" W., 79.24 feet to a stake;

Thence N. 57° 46' 30" E., 100.33 feet to the southwesterly line of said Dutcher street; said last three lines bounding on other land of the Town of Hopedale;

Thence S. 32° 13' 50" E., along the southwesterly line of said street 7.00 feet to the point of beginning.

Containing about 1,785 square feet.

SECTION 2. Said town is hereby further authorized to sell and convey to Frank V. Perry and Irene C. Perry, for the consideration of three hundred and fifty dollars, a certain parcel of park land situated off the southwesterly side of Dutcher street in said town, being more particularly bounded and described as follows: —

Beginning at a granite bound at the northerly corner of the granted premises, said point being the westerly corner of other land of said Perrys;

Thence S. 32° 13' 50" E., and bounding on said other land of said Perrys, 75.00 feet to a stake at the southerly corner of said other land of said Perrys;

Thence S. 56° 41' 57" W., 30.00 feet to a stake;

Thence N. 32° 13' 50" W., 74.44 feet to a stake;

Thence N. 55° 38' 05" E., 30.00 feet to the point of beginning; said last three lines bounding on other land of the Town of Hopedale.

Containing about 2,241 square feet.

SECTION 3. Said town is hereby further authorized to sell and convey to Joseph F. Blatz and Madeline J. Blatz, for the consideration of two hundred and fifty dollars, a certain triangular parcel of park land, situated off the southwesterly side of Dutcher street, in said town of Hopedale, being more particularly bounded and described as follows: —

Beginning at a stake at the northerly corner of the granted premises, said point being the southerly corner of land of one Perry;

Thence S. $32^{\circ} 13' 50''$ E., 22.64 feet;

Thence S. $80^{\circ} 07' 10''$ W., 56.95 feet to a stake; said last two lines bounding on other land of said Blatzs;

Thence N. $56^{\circ} 41' 57''$ E., 52.68 feet to a point of beginning.

Containing about 596 square feet.

SECTION 4. Any action taken by the town of Hopedale at its annual town meeting in the current year pursuant to authority contained in sections one, two and three shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual town meeting.

Approved May 12, 1958.

CHAP. 326. AN ACT INCREASING THE AMOUNT THAT MAY BE EXPENDED FOR LEGAL ASSISTANCE BY THE POLICE COMMISSIONER FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 291 of the acts of 1906, as most recently amended by section 1 of chapter 54 of the acts of 1955, is hereby further amended by striking out, in line 4, the word "eight" and inserting in place thereof the word: — eleven, — so as to read as follows: — *Section 9.* Said police commissioner may employ such legal assistance as he may deem necessary in the performance of his duties, and may incur expense therefor to an amount not exceeding eleven thousand dollars in any municipal year, which expense shall be paid by the city of Boston upon the requisition of said police commissioner.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1958.

CHAP. 327. AN ACT INCREASING THE NUMBER OF ASSISTANT CLERKS OF THE COURTS FOR THE COUNTY OF BRISTOL AND RELATING TO THEIR APPOINTMENT AND REMOVAL.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 221 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 336 of the acts of 1943, and inserting in place thereof the following paragraph: —

Bristol, a third assistant and a fourth assistant, subject to removal by the court or by the clerk.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1958.

CHAP. 328. AN ACT DESIGNATING A BRIDGE IN THE TOWN OF CHARLEMONT AS MOHAWK INDIAN BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge constructed over the Deerfield river at the approach to Mohawk park in the town of Charlemont shall be known

and designated as the Mohawk Indian Bridge, and the department of public works shall erect thereon and thereafter maintain a suitable marker bearing said designation.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1958.

CHAP. 329. AN ACT DESIGNATING THE NEW ADMISSION BUILDING AT THE MEDFIELD STATE HOSPITAL AS THE GEORGE O. CLARK BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The admission building now being erected at the Medfield state hospital shall be known and designated as the George O. Clark Building, in honor of George O. Clark, who, as a member and chairman of the board of trustees of said hospital, devoted many years to the interests of its patients.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1958.

CHAP. 330. AN ACT DESIGNATING THE ROTARY CIRCLE ON THE STATE HIGHWAY AT PRESIDENT AVENUE AND EASTERN AVENUE NORTH IN FALL RIVER AS THE FALL RIVER GARDEN CLUB CIRCLE.

Be it enacted, etc., as follows:

The rotary circle on the state highway at President avenue and Eastern avenue north in the city of Fall River, shall be known and designated as the Fall River Garden Club Circle, and a suitable marker bearing said designation shall be erected at a prominent place in said circle by the department of public works. *Approved May 13, 1958.*

CHAP. 331. AN ACT RELATIVE TO THE PENSION OF SCHOOL JANITORS IN THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-five of chapter thirty-two of the General Laws, the provisions of section forty-five A of said chapter thirty-two shall apply to the city of Woburn.

SECTION 2. This act shall take effect upon its acceptance by the mayor and city council of said city subject to the provisions of its charter, but not otherwise.

Approved May 13, 1958.

CHAP. 332. AN ACT EXTENDING THE APPLICATION OF CERTAIN PROVISIONS OF LAW RELATIVE TO THE SUPERVISION OF PLUMBING.

Be it enacted, etc., as follows:

Chapter 142 of the General Laws is hereby amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 2.* Sections one to seven, inclusive, sections eleven and twelve, sections fourteen to twenty, in-

clusive, and section twenty-two shall apply to all cities, and section thirteen shall apply to all cities except Boston. Sections one through twenty-two, except section twenty-one, shall apply to all towns having a population of more than five thousand and all such towns shall have a plumbing code which shall be established in compliance with this chapter and all rules and regulations made thereunder by the examiners.

Approved May 13, 1958.

CHAP. 333. AN ACT REQUIRING FIRE DRILLS FOR EMPLOYEES OF NURSING AND CONVALESCENT HOMES.

Be it enacted, etc., as follows:

Section 28 of chapter 148 of the General Laws is hereby amended by striking out paragraph J., as appearing in section 12 of chapter 710 of the acts of 1945, and inserting in place thereof the following paragraph: —

J. Requiring and regulating fire drills for employees of hospitals, theatres and other places of public amusement, and of nursing and convalescent homes licensed under section seventy-one of chapter one hundred and eleven, and in public and private schools.

Approved May 13, 1958.

CHAP. 334. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO CHARGE NON-RESIDENTS THEREOF A FEE FOR PARKING AT MEMORIAL BEACH IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster is hereby authorized to charge any person who is not a resident thereof a fee for parking a motor vehicle at Memorial Beach in said town.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1958.

CHAP. 335. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF IPSWICH RELATIVE TO A SEWER PROJECT AND OTHER MATTERS.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken by the town of Ipswich at its special town meeting held June third, nineteen hundred and fifty-seven and at the adjournment thereof held June eleventh, nineteen hundred and fifty-seven, including without limitation the proceedings authorizing the borrowing of such sums as may be necessary, not exceeding in the aggregate, six hundred thousand dollars, and the issuance of bonds or notes therefor, which shall bear on their face the words, Ipswich Sewerage Loan, Act of 1946, are hereby validated. The bonds or notes may be issued accordingly and the project carried out, with federal aid to the extent it may be obtained, without further action of the state department of public health under section thirteen of chapter thirty of the acts of nineteen hundred and forty-six and without regard to

chapter seventy-four of the acts of nineteen hundred and forty-five, as amended. The transfer of three thousand dollars which has been made from surplus revenues to meet the appropriation voted from taxation for the project is hereby validated.

SECTION 2. In section eight of chapter three of the general by-laws of the town of Ipswich, as inserted pursuant to a vote at the nineteen hundred and fifty-six annual town meeting, the words "revenue producing department" shall be taken to refer to the water and electric departments and to no others.

SECTION 3. The acceptance of chapter seventy of the acts of nineteen hundred and fifty-seven at the annual town election of the town of Ipswich, held March tenth, nineteen hundred and fifty-eight, is hereby validated.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1958.

CHAP. 336. AN ACT RELATIVE TO THE DETERMINATION OF THE ASSESSMENT OF THE EXCISE TAX ON GASOLINE DUE FROM DELINQUENT UNCLASSIFIED IMPORTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify immediately the law with respect to the liability of persons to pay certain excise taxes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 64A of the General Laws is hereby amended by striking out section 5, as most recently amended by section 9 of chapter 617 of the acts of 1957, and inserting in place thereof the following section:—

Section 5. If a distributor or unclassified importer, having failed to file a return, or, having filed an incorrect or insufficient return, without reasonable excuse fails to file an original or corrected return, as the case may require, within twenty days after the giving of notice by mail, postage prepaid, to him by the commissioner of his delinquency, the commissioner shall determine the amount due, at any time within three years after the making of the earliest sale or importation, whichever is applicable, included in such determination, and shall notify the distributor or unclassified importer of such determination by mail, postage prepaid. The distributor or unclassified importer shall forthwith after the giving of such notice pay to the commissioner the amount so determined to be due, with interest at six per cent from the last day of the month in which the return is required to be made pursuant to section four. Any distributor or unclassified importer may within two years of the date of notice of such determination apply to the state tax commission upon a form prescribed by it for an abatement, and may appeal to the appellate tax board from the decision of the state tax commission on such application for an abatement within ten days of the date of notice of such decision, which notice the state tax commission shall send by mail, postage prepaid, to the distributor or unclassified importer forthwith upon making such decision. Any distributor or unclassified importer who shall discover that any overpayment of an

excise has been made by him under section four may within two years of the date of overpayment apply to the state tax commission on a form prescribed by it for a refund and may appeal to the appellate tax board from the decision of the state tax commission on such application for a refund within ten days of the date of notice of such decision, which notice the state tax commission shall send by mail, postage prepaid, to the distributor or unclassified importer forthwith upon making such decision.

Approved May 19, 1958.

CHAP. 337. AN ACT RELATIVE TO DEFENCES IN ACTIONS FOR FALSE ARREST BROUGHT BY PERSONS SUSPECTED OF SHOPLIFTING.

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by inserting after section 94A, inserted by chapter 169 of the acts of 1953, the following section: — *Section 94B.* In an action for false arrest or false imprisonment brought by any person by reason of having been detained for questioning on or in the immediate vicinity of the premises of a merchant, if such person was detained in a reasonable manner and for not more than a reasonable length of time by a person authorized to make arrests or by the merchant or his agent or servant authorized for such purpose and if there were reasonable grounds to believe that the person so detained was committing or attempting to commit larceny of goods for sale on such premises, it shall be a defence to such action. If such goods had not been purchased and were concealed on or amongst the belongings of a person so detained it shall be presumed that there were reasonable grounds for such belief.

Approved May 19, 1958.

CHAP. 338. AN ACT EXTENDING THE TERM OF OFFICE OF THE TREASURER OF THE HILLCREST WATER DISTRICT FROM ONE YEAR TO TWO YEARS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 358 of the acts of 1950 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — At the annual meeting of the district which shall be held in nineteen hundred and fifty-nine, the district shall elect by ballot, for a term of one year, a clerk who shall be elected annually thereafter, and for a term of two years, a treasurer, who shall be elected every second year thereafter.

SECTION 2. This act shall take effect upon its acceptance at either the annual district meeting of the Hillcrest Water District to be held in the current year or a special district meeting called for the purpose.

Approved May 19, 1958.

CHAP. 339. AN ACT VALIDATING CERTAIN PAYMENTS MADE BY THE TOWN OF NORWOOD TO CARL J. SUNDQUIST.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of law to the contrary, the action taken by the town of Norwood in making payments totalling

four thousand dollars between September seventeenth, nineteen hundred and fifty-seven and February twenty-sixth, nineteen hundred and fifty-eight, to Carl J. Sundquist for the clearing of a site for the new elementary school on Nichols street in said town is hereby confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1958.

CHAP. 340. AN ACT AUTHORIZING THE CITY OF REVERE TO INCREASE THE RETIREMENT ALLOWANCE OF GEORGE J. PORTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections eighty-one and eighty-one B of chapter thirty-two of the General Laws, the retirement allowance to be paid George J. Porter, a retired member of the fire department of the city of Revere, shall be determined by the retiring authority of said city as though the said George J. Porter had held the position of deputy chief of said fire department at the time of his retirement.

SECTION 2. This act shall take effect upon its acceptance by vote of the city council of the city of Revere, subject to the provisions of its charter, but not otherwise.

Approved May 20, 1958.

CHAP. 341. AN ACT RELATIVE TO THE PENSIONS OF CERTAIN MEMBERS OF THE JUDICIARY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32 of the General Laws is hereby amended by striking out section 65A, as most recently amended by chapter 670 of the acts of 1956, and inserting in place thereof the following section:—

Section 65A. A chief justice or any associate justice of the supreme judicial court, the superior court or the municipal court of the city of Boston, any judge or associate judge of the land court, any judge of probate and insolvency, a justice of any district court other than the municipal court of the city of Boston, or a justice of the Boston juvenile court, who shall be retired under Article LVIII of the amendments to the constitution shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

A chief justice, justice, associate justice, judge or associate judge of any such court or courts appointed to any such judicial office on or before July thirty-first, nineteen hundred and fifty-six, who, after having served in any such office or offices at least ten years continuously, notwithstanding that this continuous service may involve one or more appointments made subsequent to July thirty-first, nineteen hundred and fifty-six, and having attained the age of seventy years, shall resign his office, shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such resignation, to be paid from the same source

and in the same manner as the salaries of like judicial officers of his court are paid.

A chief justice, justice, associate justice, judge or associate judge of any such court or courts appointed to his office after July thirty-first, nineteen hundred and fifty-six, and to whom the provisions of the preceding paragraph are not applicable, who, after having served in any such office or offices at least ten years continuously and having attained the age of seventy years, shall resign his office at any time within thirty days thereafter, shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such resignation, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

A justice of a district court who is retired under Article LVIII of the amendments to the constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a pension for life equal to three fourths of the average annual compensation paid him for such service during the ten years next preceding such retirement or resignation.

SECTION 2. Chapter six hundred and sixty-eight of the acts of nineteen hundred and fifty-seven is hereby repealed.

Approved May 20, 1958.

CHAP. 342. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND FIFTY-EIGHT, TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain appropriations previously made, the sums set forth in sections two and three of this act are hereby made available from the funds designated in said sections, to be in addition to any amounts otherwise available for the purpose, subject to the provisions of law regulating the disbursement of public funds and the approval thereof and the conditions pertaining to said appropriations in chapters four hundred and thirty-eight, seven hundred and forty-three and seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven.

SECTION 2.

STATE PURPOSES APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Service of the Executive Department.

Extraordinary Expenses.

Item

0405-01 Notwithstanding the provisions of section thirteen of chapter twenty-nine of the General Laws, the unexpended balance remaining in item 0405-01 of section two of chapter four hundred and two of the acts of nineteen

Item

hundred and fifty-seven is hereby reappropriated to expire on June thirtieth, nineteen hundred and fifty-nine, for the purpose of printing papers of a former governor.

Service of the Treasurer and Receiver-General.

State Board of Retirement.

- 0604-03 Item 0604-03 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven is hereby amended by striking out the wording and inserting in place thereof the following: —
For the payment of the commonwealth's share in financing the state employees' retirement system, as provided by chapter thirty-two of the General Laws, prior appropriation continued; provided, that the comptroller shall transfer to the General Fund the sum of seven hundred and ninety thousand dollars from the Highway Fund and the sum of twenty-five thousand dollars from the Inland Fisheries and Game Fund; and, provided further, that the amounts of reimbursements received from the metropolitan district commission, in accordance with the provisions of section nine A of chapter twenty-nine of the General Laws, and from the federal government on account of the retirement of employees of the division of employment security and the department of public health are to be in addition to this item and to be available for expenditure without further appropriation \$617,000 00

Service of the Department of Education.

Division of University Extension.

- 1313-01 Item 1313-01 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven is hereby amended by striking out the wording and inserting in place thereof the following: —
For the university extension courses, including not more than forty-six permanent positions; provided, that the division may, in addition to the sums appropriated for the purpose in this item, expend from the receipts, without appropriation, income derived from such courses as may be conducted at no net expense to the commonwealth to an amount not exceeding two hundred thousand dollars with the approval of the state board of education.

Service of the Department of Mental Health.

For the maintenance of and for certain improvements at the following institutions under the control of the department of mental health:

- 1711-00 Item 1711-00 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven is hereby amended by adding at the end thereof the following: —, and including the payment authorized by chapter six of the resolves of nineteen hundred and fifty-eight.
- 1715-00 } From the unexpended balance remaining in item 1715-00 of section two of
1715-22 } chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, the sum of one thousand two hundred and sixty-nine dollars is hereby transferred and made available for the purposes of item 1715-22 of section two of chapter four hundred and fifty-three of the acts of nineteen hundred and fifty-four.
- 7717-48 Item 7717-48 of chapter seven hundred and fifty-six of the acts of nineteen hundred and fifty-one is hereby amended by striking out the wording and inserting in place thereof the following: —
For the replacement and enlargement of sewers, appropriation expires June thirtieth, nineteen hundred and fifty-nine.

Non-Contributory Pensions.

- 2811-02 Item 2811-02 of section two of chapter four hundred and thirty-eight of the acts of nineteen hundred and fifty-seven is hereby amended by striking out the wording and inserting in place thereof the following: —

Item

For the compensation of veterans who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, and for the cost of medical examinations in connection therewith; provided, that the comptroller shall transfer to the General Fund the sum of four hundred and seventy-three thousand dollars from the Highway Fund . . . \$250,000 00

Miscellaneous.

- 2820-03 Item 2820-03 of section two of chapter seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven is hereby amended by striking out, in lines seven to ten, inclusive, the words "the current year and including a certain claim authorized by house document numbered 924, as amended, upon approval of the governor" and inserting in place thereof the following: — nineteen hundred and fifty-seven and including certain claims authorized by chapters ten and fifty-six of the resolves of nineteen hundred and fifty-eight . . . \$250 00
- 2820-10 The unexpended balance remaining in item 2820-10 of section two of chapter six hundred and eighty-eight of the acts of nineteen hundred and fifty-six is hereby reappropriated to expire on June thirtieth, nineteen hundred and fifty-nine, and the commission authorized by said item 2820-10 to erect a statue in commemoration of the late Maurice J. Tobin is hereby revived and continued for the purpose of approving expenditures authorized from said item, notwithstanding the date requiring the filing of a final report by said commission in chapter sixty of the resolves of nineteen hundred and fifty-seven.

APPROPRIATIONS MADE FROM THE HIGHWAY FUND.

Service of the Department of Public Works.

Highway Activities.

The salaries of all officers and employees of the department engaged in projects or activities relating to highways shall be charged for the nineteen hundred and fifty-eight fiscal year in full to appropriations authorized under the heading of "Highway Activities" in this act:

- 2900-12 } From the unexpended balances remaining in items 2900-12 and 2900-36
2900-36 } of section two of chapter four hundred and thirty-eight of the acts of
2900-02 } nineteen hundred and fifty-seven, the sum of seven hundred and fifteen thousand dollars from said item 2900-12 and the sum of one million and sixty thousand dollars from said item 2900-36 are hereby transferred and made available for the purposes of item 2900-02 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and said item 2900-02 is hereby amended by inserting in line twelve after the word "rules" the following: — ; and, provided further, that the sum of two million four hundred and seventy-five thousand dollars is hereby made available for personal services in addition to the initial amounts made available for the purpose; and, provided further, that there may be included a payment as authorized by chapter three of the resolves of nineteen hundred and fifty-eight.
- 2900-08 } From the unexpended balance remaining in item 2900-08 of section two
2900-04 } of chapter four hundred and thirty-eight of the acts of nineteen hundred and fifty-seven, the sum of one hundred and sixty-five thousand dollars is hereby transferred and made available for the purposes of item 2900-04 of section two of chapter four hundred and thirty-eight, and said item 2900-04 is hereby amended by inserting in line thirteen after the word "project" the following: — ; provided, that the sum of one million five hundred and twenty-five thousand dollars is hereby made available for personal services in addition to the initial amounts made available for the purpose; and, provided further, that there may be charged to this item the sum of nine dollars and forty-one cents deemed by the attorney general to be uncollectible.

Item

- 2900-08 } From the unexpended balance remaining in item 2900-08 of section two
 2900-80 } of chapter four hundred and thirty-eight of the acts of nineteen hundred
 and fifty-seven, the sum of thirty thousand dollars is hereby transferred
 and made available for the purposes of item 2900-80 of section two
 of chapter seven hundred and forty-three of the acts of nineteen hundred
 and fifty-seven.

Service of the Registry of Motor Vehicles.

- 2924-01 For the service of the registry, including not more than nine hundred and
 seventy-nine permanent positions; provided, however, that the incum-
 bent appointed on requisition number 75167Z shall be permanent under
 chapter thirty-one of the General Laws, notwithstanding any provision
 of law to the contrary **\$130,000 00**

Service of the Department of Public Safety.*Division of State Police.*

- 2926-01 For the service of the division, including not more than six hundred and
 twenty-seven permanent positions **\$70,000 00**

Service of the Metropolitan District Commission.

*The following items are to be paid with the approval of the Metropolitan
 District Commission:*

- 2931-04 } From the unexpended balance remaining in item 2931-04 of section two
 2931-06 } of chapter four hundred and two of the acts of nineteen hundred and
 fifty-seven, the sum of seventy-two thousand dollars is hereby trans-
 ferred and made available for the purposes of item 2931-06 of section
 two of chapter seven hundred and seventy-one of the acts of nineteen
 hundred and fifty-seven.

**APPROPRIATIONS MADE FROM THE INLAND FISHERIES
 AND GAME FUND.**

Service of the Department of Natural Resources.

*Division of Fisheries and Game. (It is hereby provided that federal funds
 received as reimbursements under the following items are to be credited
 as income to the Inland Fisheries and Game Fund):*

- 3304-31 For expenses of game farms and fish hatcheries, including not more than
 sixty-six permanent positions **\$28,000 00**

Division of Law Enforcement.

- 3308-05 For the payment of damages caused by wild deer and wild moose, includ-
 ing not more than one permanent position, prior appropriation con-
 tinued **\$216 00**

**APPROPRIATION PAYABLE FROM THE STATE RECREATION
 AREAS FUND.**

Service of the Department of Natural Resources.*Division of Forests and Parks.*

- 4010-01 For the service of the bureau of recreation, including not more than
 seventy permanent positions and including as permanent under chapter
 thirty-one of the General Laws the present incumbents appointed on
 requisition numbers 77862 and 79956 notwithstanding the provision of
 any other law to the contrary **\$30,578 00**

APPROPRIATIONS PAYABLE FROM THE METROPOLITAN DISTRICT COMMISSION FUNDS.

The following appropriations are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction of the Metropolitan District Commission:

Metropolitan Parks, General.

Item		
8602-57 }	The unexpended balances remaining in items 8602-57 and 8602-58 as reappropriated in section two A of chapter four hundred and two of the acts of nineteen hundred and fifty-seven are hereby transferred and made available for the purposes of item 8601-23 of section two of chapter seven hundred and forty-six of the acts of nineteen hundred and fifty-six.	
8602-58 }		
8601-23 }		
8602-94	For a certain payment, as authorized by chapter twenty-three of the resolves of the current year	\$700 00

Metropolitan Sewerage, South System.

8702-00 }	From the unexpended balance remaining in item 8702-00 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, the sum of ten thousand seven hundred and fifty-four dollars is hereby transferred and made available for the purposes of item 8807-00 of section two of said chapter seven hundred and forty-three.	
8807-00 }		

Metropolitan Water System.

8902-00	For the maintenance and operation of the metropolitan water system, including the retirement of veterans under the provisions of the General Laws and including not more than five hundred and ninety-five permanent positions	\$163,594 00
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LOCAL AID APPROPRIATION.

The following appropriation is for reimbursements and grants to local governments and for certain other purposes, and is to be in addition to any unexpended balance of appropriations heretofore made for the purpose:

APPROPRIATION MADE FROM THE GENERAL FUND.

Service of the Department of Corporations and Taxation.

Reimbursement for Loss of Taxes.

2612-01 }	From the unexpended balance remaining in item 2612-01 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, the sum of thirty-five thousand dollars is hereby transferred and made available for the purposes of item 2612-02 of section two of said chapter seven hundred and forty-three, and said item 2612-02 is hereby amended by striking out the wording and inserting in place thereof the following:—	
2612-02 }		
	For the reimbursement of cities and towns for abatements granted, as provided by section eight A of chapter fifty-eight or section five of chapter fifty-nine of the General Laws.	

DEBT SERVICE APPROPRIATIONS.

APPROPRIATION MADE FROM THE HIGHWAY FUND.

Interest and Redemption of Debt.

2951-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amount appropriated in item 2410-00, prior appropriation continued	\$384,533 00
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APPROPRIATIONS PAYABLE FROM THE STATE RECREATION AREAS FUND.

Interest and Redemption of Debt.

Item		
4081-00	For the payment of interest on certain bonded debt of the common-wealth, to be in addition to any amounts otherwise available for the purpose	\$22,032 00
4082-00	For certain serial bonds maturing, to be in addition to any amounts otherwise available for the purpose, prior appropriation continued	23,001 00

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain funds, as follows:

2899-00	General Fund	\$12,783 00
2999-00	Highway Fund	8,531 00
4099-00	State Recreation Areas Fund	36 00
8999-00	Metropolitan District Water Fund	1,260 00

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and fifty-nine certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and fifty-eight, the unexpended balances of the items shown below are hereby reappropriated:

0406-07	2900-14	7617-16	8601-34
0466-21	2900-25	7618-01	8602-84
0496-03	2900-26	7620-02	8602-85
1301-23	2900-27	7629-01	8602-86
1330-25	2900-29	7629-03	8602-88
1333-32	2900-31	7717-54	8602-89
1339-24	2900-41	7722-83	8602-90
1712-22	2900-48	7729-92	8602-91
1712-23	2900-49	7786-02	8602-92
1715-24	2926-07	7918-86	8702-24
1718-24	2926-18	8254-11	8702-25
1718-25	2926-19	8254-18	8807-24
1720-26	2926-21	8254-23	8807-25
1722-23	2931-04	8254-24	8902-24
1723-23	2931-20	8254-25	8902-26
1723-24	2931-53	8254-27	8902-38
1812-21	2931-56	8254-28	8902-39
2202-05	3304-58	8254-29	8902-42
2202-22	3809-22	8321-00	8902-60
2844-01	4050-08	8324-01	8902-82
2847-01	7613-05	8457-02	9102-01
2900-11	7613-11	8457-03	
2900-13	7617-11	8601-24	

SECTION 3. From the unexpended balances of appropriations remaining in amounts appropriated in chapters four hundred and thirty-eight, seven hundred and forty-three and seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven, the total sum of one million eight hundred and sixty-seven thousand seven hundred and twenty-seven dollars is hereby transferred from the following items as listed in schedule A and made available for the purposes of the items as listed in schedule B for a total sum of one million eight hundred and sixty-seven thousand seven hundred and twenty-seven dollars.

Schedule A.

STATE PURPOSES APPROPRIATIONS.

Item		
0406-01	Civil Defense Agency, Administration	\$20,000 00
0481-01	Soldiers' Home in Massachusetts	125,200 00
0482-01	Soldiers' Home in Holyoke	100,000 00
1387-01	Hampden County Detention Center	32,150 00
1389-01	Worcester County Detention Center	38,000 00
1701-05	Community Nurseries for Retarded Children	54,027 00
1717-00	Metropolitan State Hospital	100,000 00
1721-00	Worcester State Hospital	100,000 00
1722-00	Monson State Hospital	322,000 00
1727-00	Cushing Hospital	100,000 00
1801-02	Correction, Administration	40,000 00
1802-01	Correctional Institution Camps	5,000 00
1810-01	Correctional Institution at Bridgewater	67,000 00
1812-02	Correctional Institution at Walpole, Industries	5,000 00
1814-02	Correctional Institution at Concord, Industries	30,000 00
1816-01	Correctional Institution at Framingham	6,000 00
1816-02	Correctional Institution at Framingham, Industries	25,000 00
1818-02	Correctional Institution at Norfolk, Industries	5,000 00
2001-02	Public Health, Administration	14,000 00
2003-01	Bureau of Preventive Disease Control	124,000 00
2005-01	Bureau of Hospital Facilities	16,000 00
2006-01	Bureau of Tuberculosis and Institutions	6,500 00
2007-01	Institute of Laboratories	34,000 00
2025-00	Westfield State Sanatorium	25,000 00
2026-00	Lemuel Shattuck Hospital	375,000 00
2031-00	Pondville Hospital	50,000 00
2301-24	New England Telephone and Telegraph Rate Case	48,850 00

Schedule B.

STATE PURPOSES APPROPRIATIONS.

0101-60	Senate Committees, Expenses	\$1,000 00
0102-06	House Counsel, Salaries	4,500 00
0102-07	House Committee on Rules, Salaries	3,190 00
0102-52	House Committee on Rules, Expenses	2,000 00
0102-53	House Counsel, Expenses	500 00
0103-02	Sergeant-at-Arms, Clerical Assistance	70 00
0103-04	Assistant Doorkeepers and General Court Officers	12,511 00
0103-05	Sergeant-at-Arms, Pages' Compensation	6,297 00
0110-02	Legislative Printing	65,000 00
0110-04	Legislative Bulletin	30,000 00
0110-05	Legislative Telephone Service	5,000 00
0110-11	Printing Veterans' Laws	300 00
0110-21	Descriptive Pamphlet of Murals	600 00
0110-30	Travel, Joint Committees	3,000 00
0257-22	New York, New Haven and Hartford Railroad Commission	15,000 00
0305-04	Superior Court, Expenses	2,717 00
0305-11	Compensation, Justices of District Courts in the Superior Court	46,814 00
0305-12	Expenses, Justices of District Courts in the Superior Court	12,201 00
0320-04	Expenses of the Administrative Committee of Probate Courts	250 00
0345-01	Retired Justices' Pensions	12,250 00
0423-24	Repairs, Fall River National Guard Armory	79,000 00
0448-02	Employees' Group Insurance, State Share	114,000 00
0485-03	Disabled Veterans' Annuities	2,600 00
0802-01	Settlement of Certain Claims	40,000 00

Item	
0901-02	Office of the Commissioner of Agriculture . . . \$2,615 00
0906-01	Milk Control Commission . . . 1,613 00
0907-08	Reimbursement for Brucellosis Cattle Killed . . . 10,000 00
1002-12	State Fire Warden — Forest Fires . . . 12,500 00
1002-21	Development of Forests . . . 6,106 00
1203-21	County Personnel Board . . . 147 00
1301-02	Office of the Commissioner of Education . . . 2,600 00
1305-01	School Lunch and Commodity Distribution Program, Administration . . . 2,935 00
1311-01	Education of Deaf and Blind Pupils . . . 156,000 00
1317-18	Payments to Blind Persons . . . 216 00
1327-10	Massachusetts Maritime Academy, Maintenance . . . 10,767 00
1380-01	Division of Youth Service, Administration . . . 30,200 00
1381-01	Industrial School for Boys . . . 2,200 00
1382-01	Industrial School for Girls . . . 11,200 00
1383-01	Lyman School for Boys . . . 8,800 00
1384-01	Reception-Detention Facilities, Boys . . . 9,000 00
1386-01	Reception-Detention Facilities, Girls . . . 8,200 00
1388-01	Residential Treatment Unit, Oakdale . . . 5,000 00
1402-02	Division of Civil Service . . . 7,500 00
1409-01	Board of Registration in Embalming and Funeral Di- recting . . . 600 00
1812-01	Correctional Institution at Walpole . . . 40,660 00
1814-01	Correctional Institution at Concord . . . 4,500 00
1818-01	Correctional Institution at Norfolk . . . 400 00
2004-01	Bureau of Health Services . . . 10,000 00
2301-09	Public Utilities, Special Investigations . . . 12,000 00
2304-01	Commercial Motor Vehicle Division . . . 1,232 00
2805-01	Annuities — Soldiers and Others . . . 700 00
2805-02	Claims — Families of Slain Employees . . . 150 00
2820-06	Reimbursement for Funds Escheated . . . 1,000 00
2820-08	Claims — Unpaid Checks . . . 500 00
2844-01	Salary Adjustments — Section 15, Chapter 743, Acts of 1957 . . . 400,000 00

LOCAL AID APPROPRIATIONS.

2603-01	Compensation of Certain Special Justices . . . \$55,000 00
2609-01	Compensation of Inspectors of Animals . . . 800 00
2613-03	School Superintendents in Small Towns . . . 8,227 00
2613-04	Transportation of Pupils . . . 66,401 00
2613-05	Vocational Education . . . 850 00
2613-06	English-Speaking Classes . . . 9,390 00
2613-10	Education of Deaf and Blind Pupils . . . 35,000 00
2613-11	Retired Teachers' Pensions . . . 23,918 00

DEBT SERVICE.

2410-00	General Fund Interest . . . \$450,000 00
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SECTION 4. Section 13 of chapter 743 of the acts of 1957 is hereby amended by inserting after the word "group", in line 12, the words: — ; provided, however, that an amount of four thousand six hundred and forty-nine dollars and sixty-eight cents paid as salaries is hereby ratified and approved, notwithstanding the provisions of said chapter four hundred and eighty-two.

SECTION 5. Notwithstanding the provisions of paragraphs six, seven and eight of section forty-six of chapter thirty of the General Laws, the division of personnel and standardization is hereby authorized to make rules and regulations to adjust the salary of any employee who, as the result of an approval of an appeal under section nineteen or nineteen A of chapter seven hundred and twenty-nine of the acts of nineteen hun-

dred and fifty-six, would receive a rate in the salary schedule which is less than a rate established prior to the decision of such appeal, provided, however, that such adjusted rate may not be greater than the maximum for such salary group, and the establishment of such rules and regulations shall not be subject to chapter thirty A of the General Laws. The provisions of this section shall be effective as of October first, nineteen hundred and fifty-six.

SECTION 6. This act shall take effect upon its passage.

Approved May 21, 1958.

CHAP. 343. AN ACT AUTHORIZING THE CITY OF BOSTON TO SELL CERTAIN PARK LANDS ON FOREST HILLS STREET IN THE WEST ROXBURY DISTRICT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of general or special law, the city of Boston, acting by its mayor, may sell and convey to Sacred Heart of Jesus Ukrainian Catholic Church, Inc., any part or parts or the whole of the land conveyed to said city by Henry F. Ross by deed recorded with Suffolk Deeds, book 6071, page 534, on December tenth, nineteen hundred and forty-three, and held by said city for public park purposes, and also any part or parts or the whole of the land conveyed to said city by said Henry F. Ross by deed registered with the Suffolk registry district of the land court on May twenty-fourth, nineteen hundred and forty-five, as document numbered 168167, and held by said city for public park purposes; provided, that such sale is authorized, after two separate readings, by two separate votes of two thirds of all the members of the city council of said city, the first of said readings and votes to be had only after such sale is recommended by the parks and recreation commission of said city, and the second of said readings and votes to be had not less than fourteen days after the first.

SECTION 2. This act shall take effect upon its passage.

Approved, May 26, 1958.

CHAP. 344. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO INDEMNIFY JOHN M. McDONOUGH, SR. FOR CERTAIN EXPENSES INCURRED BY HIM ON ACCOUNT OF INJURIES SUSTAINED BY HIS MINOR SON ON THE CIVIC PLAYGROUND.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Norwood may appropriate and pay to John M. McDonough, Sr., a sum not exceeding one hundred and fifty dollars to indemnify him for expenses for medical care, including hospital expenses, incurred by him on account of injuries sustained on June twenty-first, nineteen hundred and fifty-seven, by his minor son, John M. McDonough, Jr., while lawfully in the school playground known as the Civic Field and while part of a school class under teacher supervision.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1958.

CHAP. 345. AN ACT AUTHORIZING THE CITY OF TAUNTON TO USE CERTAIN FUNDS FOR THE PURPOSE OF CONSTRUCTING A GARAGE FOR THE WATER DEPARTMENT OF SAID CITY AND CONVERTING A PORTION OF THE HARRIS STREET PUMPING STATION TO A WORKSHOP FOR SAID DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 102 of the acts of 1958 is hereby amended by inserting after the word "Laws", in line 3, the words: — and constructing a garage for the use of its water department and converting a portion of the Harris street pumping station to a workshop for said department, — so as to read as follows: — *Section 1.* The city of Taunton may, for the purposes of extending and improving its water system, as provided by clauses (4), (5) and (6) of section eight of chapter forty-four of the General Laws and constructing a garage for the use of its water department and converting a portion of the Harris street pumping station to a workshop for said department, use such sums, not exceeding in the aggregate one hundred and sixty-nine thousand dollars from the unexpended balance of the amount borrowed under chapter five hundred and forty of the acts of nineteen hundred and fifty-three.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1958.

CHAP. 346. AN ACT AUTHORIZING THE METROPOLITAN TRANSIT AUTHORITY TO ACQUIRE CERTAIN LAND BY LEASE AND TO ESTABLISH OFF-STREET PARKING FACILITIES THEREON.

Be it enacted, etc., as follows:

SECTION 1. Paragraph ($i\frac{1}{2}$) of section 8A of chapter 544 of the acts of 1947, inserted by section 1 of chapter 798 of the acts of 1949, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentences: — Any provision of this paragraph to the contrary notwithstanding, in the case of any such lands held by the commonwealth, the authority and, with the approval of the governor and council, the board or officer having control of such lands, and in the case of any such lands held by a county, city, town, district or other public corporation, the authority and, with the consent of the board or officer having control of such lands, such county, city, town, district or public corporation may enter into leases leasing such lands to the authority for the purpose aforesaid upon mutually agreeable terms and conditions. The authority shall have power to clear, grade, surface or resurface any land used, acquired or leased for the purposes of this paragraph, and to construct thereon facilities for parking.

SECTION 2. Said paragraph ($i\frac{1}{2}$) is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — Any land acquired or leased under this paragraph for an off-street parking facility shall not be used for any purpose other than the parking of motor vehicles.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1958.

CHAP. 347. AN ACT RELATING TO REINSTALLATION OF TELEPHONES USED IN CONNECTION WITH GAMBLING.

Be it enacted, etc., as follows:

Chapter 271 of the General Laws is hereby amended by adding at the end the following section:— *Section 47.* A telephone shall not be installed for a person convicted of an illegal gaming activity under this chapter without the approval in writing of the head of both the police department of the municipality in which such telephone would be installed and the head of the criminal information bureau of the state police, and a telephone shall not be reinstalled without such approval for a period of one year from the date of removal in any premises from which it has been removed for such illegal activity, whether or not there has been a conviction. The criminal information bureau shall notify the telephone companies of convictions in such cases, and telephone companies doing business in the commonwealth shall notify the criminal information bureau of the state police of any such removals.

Approved May 26, 1958.

CHAP. 348. AN ACT AUTHORIZING THE TRUSTEES OF THE SOLDIERS' HOME IN HOLYOKE TO SELL AND CONVEY A CERTAIN PORTION OF THE LAND OF SAID HOME.

Be it enacted, etc., as follows:

The trustees of the Soldiers' Home in Holyoke are hereby authorized, in the name and on behalf of the commonwealth, to sell and convey to Joseph D. R. C. Rousseau of Chicopee, for such price and upon such terms as said trustees may determine, a portion of the land now owned by the commonwealth and used for the purposes of said Soldiers' Home, which portion shall be adjacent to land now owned by said Rousseau and formerly in Homestead avenue in Holyoke, and shall extend fifteen feet from the rear line of said land of Rousseau into the land of the Soldiers' Home. The said trustees are authorized to sign, acknowledge and deliver a deed thereof approved by the attorney general.

Approved May 26, 1958.

CHAP. 349. AN ACT RELATIVE TO RESIDENCE REQUIREMENTS ON AID TO DEPENDENT CHILDREN.

Be it enacted, etc., as follows:

The first sentence of section 2 of chapter 118 of the General Laws, as amended by chapter 390 of the acts of 1951, is hereby further amended by striking out, in line 13, the word "birth" and inserting in place thereof the word:— application, — so as to read as follows:— In every town the board of public welfare, subject to the supervision of the department and in compliance with the rules and regulations adopted by the department pursuant to the provisions of this chapter, shall aid every parent in properly bringing up, in his or her own home, each dependent child if such parent is fit to bring up such child, but no aid shall be granted under this chapter for or on account of any child unless (1) such child has resided in the commonwealth one year immediately preceding the

application for such aid, or (2) such child was born within one year immediately preceding such application, if its parent has resided in the commonwealth for one year immediately preceding the application.

Approved May 26, 1958.

CHAP. 350. AN ACT RELATIVE TO THE MEMBERSHIP OF THE MERRIMACK RIVER VALLEY FLOOD CONTROL COMMISSION.

Be it enacted, etc., as follows:

Section 3 of chapter 608 of the acts of 1956 is hereby amended by striking out, in lines 7 and 8, the words "director of sanitary engineering and chief sanitary engineer in the department of public health" and inserting in place thereof the words: — chairman of the water resources commission or his designated representative, — so as to read as follows: — *Section 3.* Within thirty days after the aforesaid agreement or compact shall have become effective as provided in section two of this act, the governor shall, with advice and consent of the council, appoint a member of the Merrimack River Valley Flood Control Commission, who with the director of the division of waterways in the department of public works, and the chairman of the water resources commission or his designated representative, shall compose said commission. The member appointed by the governor shall serve until the first day of March, nineteen hundred and fifty-eight. In the month of February, nineteen hundred and fifty-eight, the governor, by and with the advice and consent of the council, shall appoint one such member to serve for a period of three years from the first day of March thereafter.

Approved May 26, 1958.

CHAP. 351. AN ACT RELATIVE TO THE MEMBERSHIP OF THE CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION.

Be it enacted, etc., as follows:

Section 3 of chapter 692 of the acts of 1951 is hereby amended by striking out, in lines 7 and 8, the words "director and chief sanitary engineer of the department of public health" and inserting in place thereof the words: — chairman of the water resources commission or his designated representative, — so as to read as follows: — *Section 3.* Within thirty days after the aforesaid agreement or compact shall have become effective as provided in section two of this act, the governor shall, with advice and consent of the council, appoint a member of the Connecticut River Valley Flood Control Commission, who with the director of the division of waterways in the department of public works, and the chairman of the water resources commission or his designated representative, shall compose said commission. The member appointed by the governor shall serve until the first day of March, nineteen hundred and fifty-four. In the month of February, nineteen hundred and fifty-four, the governor, by and with the advice and consent of the council, shall appoint one such member to serve for a period of three years from the first day of March thereafter.

Approved May 26, 1958.

CHAP. 352. AN ACT INCREASING THE PENALTY FOR INJURING OR DEFACING TOMBS AND STRUCTURES DESIGNED AS MEMORIALS TO THE DEAD.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 73, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 73.* Whoever wilfully destroys, mutilates, defaces, injures or removes a tomb, monument, gravestone or other structure or thing which is placed or designed for a memorial of the dead, or a fence, railing, curb or other thing which is intended for the protection or ornament of a structure or thing before mentioned or of an enclosure for the burial of the dead, or wilfully destroys, mutilates, removes, cuts, breaks or injures a tree, shrub or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or a grave, shall be punished by imprisonment in the state prison for not more than three years or by imprisonment in the jail or house of correction for not more than two and one half years and by a fine of not more than two thousand dollars.

Approved May 26, 1958.

CHAP. 353. AN ACT AUTHORIZING CERTAIN WATER COMPANIES OR CORPORATIONS TO TAKE BY EMINENT DOMAIN CERTAIN PROPERTY, RIGHTS AND EASEMENTS.

Be it enacted, etc., as follows:

Chapter 165 of the General Laws is hereby amended by inserting after section 4A the following section:— *Section 4B.* Any water company or corporation subject to this chapter having franchise rights encompassing an entire city, town or district may, subject to determination by the department after notice and a public hearing as to the public convenience and necessity, and with the advice and consent of the department of public health, take by eminent domain under chapter seventy-nine or acquire by purchase or otherwise and hold the waters, or any portion thereof, of any pond, brook, spring, stream or ground-water sources within its franchise territory not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith, and such lands, rights of way and other easements as may be necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof, and for conveying the same to any place within its franchise territory.

Approved May 26, 1958.

HONORABLE EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 353 of the Acts of 1958, entitled, "An Act Authorizing Certain Water Companies or Corporations to Take by Eminent Domain Certain Property, Rights and Easements" and the enactment

of which received my approval on May 26, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will unnecessarily delay water companies in obtaining additional water facilities prior to any possible shortages this year.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 4, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and fifty minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter three hundred and fifty-three of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 354. AN ACT FURTHER REGULATING THE LICENSING OF PRACTICAL NURSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available immediately to certain qualified persons the right to be examined to be licensed as practical nurses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Any person who on or before April first, nineteen hundred and fifty-eight filed an application for licensure as a practical nurse under the provisions of section seven of chapter five hundred and ninety-five of the acts of nineteen hundred and fifty-seven shall be examined as required by said section seven and, upon meeting the conditions of said section, licensed as a practical nurse.

SECTION 2. Notwithstanding any other provision of this act or any other act or of chapter one hundred and twelve of the General Laws to the contrary, the board of registration in nursing shall license as a licensed practical nurse any applicant for such a license who shall meet the following conditions:—(1) The application shall be in a form prescribed by said board, shall be signed and sworn to by the applicant and filed on or before December thirty-first, nineteen hundred and fifty-nine, accompanied by payment of ten dollars and, if the applicant is an alien, by the certificate required by section seventy-four B of said chapter one hundred and twelve; (2) the applicant shall furnish said board with proof that he is at least twenty years of age, in good health and of good moral character; (3) the applicant shall have actively and

competently practised as a practical nurse or graduate nurse within the commonwealth or in the service of the armed forces of the United States during three of the five years immediately preceding the date of said application as attested to by a statement signed by two duly licensed physicians or as proved by such other evidence as may be satisfactory to the board; (4) the applicant shall, if under forty years of age, pass a written and oral qualifying examination given by said board, and, if over forty years of age, pass an oral or written qualifying examination given by said board.

Any applicant required under this section or under section seven of chapter five hundred and ninety-five of the acts of nineteen hundred and fifty-seven, to pass an examination satisfactory to the board and who fails to pass such examination shall thereafter be entitled to re-examination by payment of a fee of ten dollars and by filing a re-examination application upon a form furnished by the board, but two re-examinations shall exhaust his privilege under his original application and if he fails to apply for re-examination within six months after notice of his grade on a previous examination, or to appear for re-examination when notified so to do, his re-examination privilege for such original application shall be forfeited. Any person licensed under this section shall thereafter be subject to all provisions of said chapter one hundred and twelve pertaining to licensed practical nurses.

SECTION 3. Notwithstanding the provisions of section seven of chapter five hundred and ninety-five of the acts of nineteen hundred and fifty-seven or sections one and two of this act, any person who filed an application for a license under the provisions of said section seven of said chapter five hundred and ninety-five, and who is over forty years of age may, in lieu of taking the written and oral qualifying examination under said section seven, elect to take a written or oral qualifying examination given by the board, and upon passing said written or oral examination, shall be licensed as a licensed practical nurse.

SECTION 4. Notwithstanding any provision of chapter one hundred and twelve of the General Laws, any person who, on December thirty-first, nineteen hundred and fifty-seven, was engaged in the practice of practical nursing may continue to practice as a practical nurse without a license until December thirty-first, nineteen hundred and fifty-nine.

Approved June 4, 1958.

CHAP. 355. AN ACT RELATIVE TO THE PROCEDURE FOR THE APPOINTMENT OF EMPLOYEES AND PAYMENT OF PREMIUMS BY THE STATE EMPLOYEES' GROUP INSURANCE COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by striking out section 3, as appearing in section 1 of chapter 628 of the acts of 1955, and inserting in place thereof the following section:—
 Section 3. There shall be established within the commission on administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the state employees' group insurance commission, consisting of the commissioner of administration, the commissioner of insurance, and three members to be appointed by the governor, with the advice and consent of the council. At least one

member appointed by the governor shall be a state employee, and not more than two appointive members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of any insurance company. Upon the expiration of the term of office of any appointive member, his successor shall be appointed in like manner for a term of three years. The commission shall be provided with suitable offices in the state house and may, subject to appropriation, incur expenses and appoint an executive secretary who shall be the executive and administrative head thereof and who shall not be subject to the provisions of chapter thirty-one. The commission may empower the executive secretary to appoint such employees as may be necessary to administer the provisions of this chapter. There shall be paid by the commonwealth to each appointive member of said commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof.

SECTION 2. Paragraph (c) of section 8 of said chapter 32A, as amended by section 4 of chapter 582 of the acts of 1956, is hereby amended by striking out, in line 8, the word "shall" and inserting in place thereof the words: — may empower the executive secretary to, — so as to read as follows: — (c) All amounts withheld from an employee's salary or wages as provided in paragraph (a) and all amounts withheld from pensions or retirement allowances under the provisions of section nineteen of chapter thirty-two shall be forwarded by the department, institution, or other agency responsible for the payment of employee salaries and wages or pensions and retirement allowances to the commission. The commission, from funds appropriated therefor, may empower the executive secretary to authorize payment of the contribution of the commonwealth as provided in said paragraphs (a) and (b), which, together with the employee payments, shall be paid at least once each month to the carrier or carriers entitled to the premium.

Approved June 4, 1958.

CHAP. 356. AN ACT EXTENDING THE TIME DURING WHICH APPLICATIONS FOR STATE AID FOR THE CONSTRUCTION OF SCHOOL BUILDINGS MAY BE MADE.

Be it enacted, etc., as follows:

Chapter 645 of the acts of 1948 is hereby amended by striking out section 10, as most recently amended by chapter 413 of the acts of 1952, and inserting in place thereof the following section: — *Section 10.* Sections one to nine of this act shall take effect on July first of the current year, and shall cease to be operative on June thirtieth, nineteen hundred and sixty-five, except that the payments provided by section nine shall be continued thereafter by the state treasurer, subject to appropriation, in accordance with the provisions of said section, on certification of the commissioner of education.

Approved June 4, 1958.

CHAP. 357. AN ACT PROVIDING FOR THE ADMISSION OF CERTAIN PATIENTS TO THE RUTLAND STATE SANATORIUM AND THE LAKEVILLE STATE SANATORIUM ON WRITTEN APPLICATION OF A PHYSICIAN.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 69E, as amended by section 2 of chapter 459 of the acts of 1957, and inserting in place thereof the following section:— *Section 69E.* Upon written application of a registered physician, the department may admit patients to the Lemuel Shattuck hospital and to the chronic disease sections of the Rutland state sanatorium and the Lakeville state sanatorium, for the treatment of chronic disease, and to the Pondville hospital, for the treatment of cancer, and to the cancer division of the Westfield state sanatorium, for the treatment of cancer and chronic diseases, subject to such rules and regulations as the department may prescribe; provided, that preference shall be given to residents of the commonwealth. Any such patient may be discharged from said hospital or sanatorium either upon his own request or upon determination of the department, but not otherwise.

Approved June 4, 1958.

CHAP. 358. AN ACT DESIGNATING A CERTAIN BALL FIELD IN THE TOWN OF NAHANT AS THE BERNARD FRANCIS MEEHAN LITTLE LEAGUE BALL FIELD.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to designate the little league ball field in the rear of the Nahant bathhouse in the town of Nahant as the Bernard Francis Meehan Little League Ball Field. Said commission shall erect on said ball field a suitable marker bearing said designation.

Approved June 4, 1958.

CHAP. 359. AN ACT RELATIVE TO RIGHTS OF CERTAIN MEMBERS WHO TRANSFER MEMBERSHIP UNDER THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (e) of subdivision (6) of section 3 of chapter 32 of the General Laws, as amended by section 2 of chapter 388 of the acts of 1947, is hereby further amended by inserting after the word "service", in line 20, the words: — ; provided that, in the case of a member whose account is transferred under said paragraph (8) (a), this paragraph shall not apply after the member has rendered service or attained an age so that he would have been eligible to retire if he had continued to be a member of the retirement system from which his account was transferred.

SECTION 2. The provisions of this act shall apply to any person whose account was transferred under paragraph (8) (a) of section three of chapter thirty-two of the General Laws after July first, nineteen hundred and fifty-six.

Approved June 4, 1958.

CHAP. 360. AN ACT FURTHER DEFINING THE EFFECT OF CERTAIN WORKMEN'S COMPENSATION PAYMENTS ON THE RIGHTS OF MEMBERS OF THE CONTRIBUTORY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Subdivision (2) of section 14 of chapter 32 of the General Laws is hereby amended by striking out paragraphs (a) and (b), as amended by chapter 542 of the acts of 1951, and inserting in place thereof the following two paragraphs: —

(a) All sums of money payable under the provisions of sections thirty-one, thirty-four, thirty-four A, thirty-five and thirty-five A of chapter one hundred and fifty-two directly to a retired member or to the legal representative or dependents of a deceased member on account of his death, including so much of the amount of any lump sum settlement payable under the provisions of such sections directly to any such person as is allocable to the period following the retirement or death of such member, but excluding any payments for or amounts allocable to any period prior to the date his retirement allowance became effective, shall be offset against and payable in lieu of any pension payable on his account under the provisions of section six, seven or nine by reason of the same injury, but not against his accumulated total deductions or any annuity derived therefrom. Whenever the amount of any such lump settlement is payable directly to a beneficiary, the period over which it is allocable for purposes of this section shall be determined by the actuary in a manner which is consistent with that set forth in paragraph (1) (c) of this section. If any such pension exceeds the compensation payable on account of such member under such provisions of chapter one hundred and fifty-two when both are reduced to the same periodical basis, the excess only shall be paid as a pension so long as such compensation continues. If any such pension is less than or equal to such compensation, no pension shall be paid so long as such compensation continues to be equal to or greater than such pension.

(b) In all cases where a member or a beneficiary receives delayed compensation payments or an amount of any lump sum settlement payable directly to him under the provisions of sections thirty-one, thirty-four, thirty-four A, thirty-five or thirty-five A of chapter one hundred and fifty-two subsequent to his receipt of payments under any pension granted under the provisions of section six, seven or nine by reason of the same injury, no further pension payments shall be made unless and until such time as the total amounts which by then would have been payable as compensation and pension together as set forth in paragraph (a) of this subdivision, if there had been no delay in making such compensation payments, shall exceed the total amounts of compensation and pension actually paid by them after due allowance in either case for the allocation of any such lump sum settlement.

Approved June 4, 1958.

CHAP. 361. AN ACT EXTENDING THE DURATION OF THE BOARD OF SCHOOLHOUSE STRUCTURAL STANDARDS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 675 of the acts of 1955 is hereby amended by striking out, in line 3, the word

“three” and inserting in place thereof the word:— six, — so as to read as follows: — To promote the construction of schoolhouses in the commonwealth by the establishment of reasonable structural standards, there is hereby established for six years in the department of public safety but not under the control of the commissioner, a board of schoolhouse structural standards, which shall consist of the commissioner of public safety, the chief of inspections of said department and the administrator of the school building assistance commission, ex-officiis, with the same powers and duties as other members of the board, and four members to be appointed by the governor, with the advice and consent of the council. The governor, with the advice and consent of the council, shall from time to time designate one member of said board as chairman.

SECTION 2. Section 2 of said chapter 675 is hereby amended by striking out, in line 4, the word “three” and inserting in place thereof the word:— six, — so as to read as follows: — *Section 2.* The regulations issued under section fifty-four of chapter one hundred and forty-three of the General Laws shall, in so far as they pertain to schoolhouses, be issued for a period of six years by the board of schoolhouse structural standards, any provisions of said section to the contrary notwithstanding.

Approved June 4, 1958.

CHAP. 362. AN ACT FURTHER IMPLEMENTING THE INTERSTATE COMPACT FOR THE SUPERVISION, CARE AND ASSISTANCE TO JUVENILES.

Be it enacted, etc., as follows:

Chapter 687 of the acts of 1955 is hereby amended by inserting after Article XVI, inserted by chapter 92 of the acts of the current year, the following Article:—

Article XVII. — Return of Certain Children to their Home State.

(a) That when any child is brought before a court of a state of which he is not a resident, and such state is willing to permit the return of such a child to his home state, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident thereof and subject to the jurisdiction of the courts thereof, shall, within five days, authorize the return of such child to his home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

(b) This Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this Article, “child” means any minor within the jurisdictional age limits of any court in the home state.

Approved June 4, 1958.

CHAP. 363. AN ACT EXTENDING THE POWER OF THE COMMONWEALTH TO FURTHER ENTER INTO INTERSTATE COMPACTS FOR THE SUPERVISION OF PROBATIONERS AND PAROLEES.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by inserting after section 151J, added by section 1 of chapter 229 of the acts of 1957, the following section: — *Section 151K.* The word “state” in sections one hundred and fifty-one A to one hundred and fifty-one J, inclusive, shall include any one of the several states and Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands and the District of Columbia, and the commonwealth shall be a party to said compact authorized by the provisions of section one hundred and fifty-one A with any such jurisdiction legally joining therein when such jurisdiction shall have enacted said compact in accordance with the terms thereof.

Approved June 4, 1958.

CHAP. 364. AN ACT PROVIDING FOR THE PAYMENT OF PREVAILING WAGES FOR WORK DONE ON DEMOLITION OF STRUCTURES PRELIMINARY TO THE CONSTRUCTION OF PUBLIC WORKS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 27D, as amended by chapter 453 of the acts of 1955, and inserting in place thereof the following section: — *Section 27D.* Wherever used in sections twenty-six to twenty-seven C, inclusive, the words “construction” and “constructed”, as applied to public works, shall include additions to and alterations of public works, and certain work done preliminary to the construction of public works, namely: soil explorations, test borings and demolition of structures incidental to site clearance and right of way clearance. *Approved June 4, 1958.*

CHAP. 365. AN ACT AUTHORIZING THE CITY OF WORCESTER TO APPROPRIATE AND TO REIMBURSE CERTAIN TEACHERS OF THE WORCESTER BOYS' TRADE HIGH SCHOOL FOR CERTAIN AMOUNTS OF SALARY LOST BY THEM BECAUSE OF ACCOUNTING ERRORS.

Be it enacted, etc., as follows:

The city of Worcester is hereby authorized to appropriate the amount required and to reimburse the following teachers of the Worcester Boys' Trade High School for the amount of salary lost by them as a result of accounting errors in their respective salary schedules from September twenty-eighth, nineteen hundred and fifty-two through December thirty-first, nineteen hundred and fifty-five: Warren H. Anderson, John L. Banionis, Chester D. Blackman, Anthony F. Cogoli, Leonard E. Hazlett, John J. Limoges, Albert E. Olson, John M. Paquette, John T. Talbot, and Raymond J. Welcom.

Approved June 4, 1958.

CHAP. 366. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO AMEND ITS LEASE WITH THE GLOUCESTER COMMUNITY PIER ASSOCIATION, INC. RELATIVE TO THE GLOUCESTER FISH PIER AND AUTHORIZING THE DEPARTMENT TO LEASE CERTAIN PARTS OF SAID PIER TO THE UNITED STATES FOR A TERM OF FIFTY YEARS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide employment and to promote the economic health of the fishing industry by making it possible for the United States to construct forthwith an office and gear-shed building on the Gloucester Community Fish Pier, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 311 of the acts of 1931 is hereby amended by inserting after section 3, as most recently amended by section 1 of chapter 252 of the acts of 1954, the following section: — *Section 3A.* Notwithstanding any provisions of law to the contrary, the lease of the Gloucester fish pier, dated March first, nineteen hundred and thirty-seven and renewed on September thirtieth, nineteen hundred and forty-nine to terminate September thirtieth, nineteen hundred and sixty-nine, between the department and the Gloucester Community Pier Association, Inc., may by mutual agreement of both parties thereto, as to terms and conditions, be amended by excluding from said lease the following described portion of land located in the city of Gloucester bounded and described as follows: —

BEGINNING at Corner 1, on the east end of a stone retaining wall and witnessed by a drill hole in a rock bearing N. 26° 22' E., 410.74 feet from said corner, witnessed by a drill hole in a stone monument bearing N. 22° 43' E. 248.64 feet from said corner, witnessed by a 2" iron pipe monument bearing N. 29° 11' W., 39.92 feet from said corner; thence from said Corner 1, S. 16° 11' E., 27.73 feet to Corner 2, a point on the low water line; thence S. 48° 11' W. 77.96 feet parallel to the stone retaining wall to Corner 3, a point on the low water line, from which a U. S. Fish and Wildlife Service standard concrete post marked "1957" set for a witness monument bears N. 39° 46' W., 76.08 feet; thence N. 39° 46' W., 175.98 feet to Corner 4, a 2" iron pipe installed; thence N. 57° 35' E., 130.25 feet to Corner 5, from which a 2" iron pipe witness monument bears S. 57° 35' W., 3.41 feet distant; thence S. 22° 43' E., 137.12 feet along a stone wall to the Place of BEGINNING; and

BOUNDED on the northeast by land of the City of Gloucester; on the southeast by Gloucester Harbor; and on the northwest and southwest by land of Gloucester Community Pier Association, containing 0.40 acres, be the same more or less.

SECTION 2. The department of public works is hereby authorized to lease to the United States for a term not to exceed fifty years, under such terms and conditions as it deems are for the best interest of the commonwealth, the land described in section three A of chapter three hundred and eleven of the acts of nineteen hundred and thirty-one, inserted by section one of this act, provided said land is excluded from said lease as provided in said section.

Approved June 5, 1958.

CHAP. 367. AN ACT DESIGNATING THE PEDESTRIAN OVERPASS OVER MORRISSEY BOULEVARD IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE REVEREND JAMES L. MCGOVERN, S. J., FOOTBRIDGE.

Be it enacted, etc., as follows:

The pedestrian overpass over the William T. Morrissey Boulevard near Boston College High School in the Dorchester district of the city of Boston is hereby designated as the Reverend James L. McGovern, S. J., Footbridge. The metropolitan district commission is hereby authorized and directed to place thereon in a conspicuous place a marker bearing said designation.

Approved June 5, 1958.

CHAP. 368. AN ACT PROVIDING FOR THE ACCEPTANCE BY SCHOOL COMMITTEES OF AN ACT ESTABLISHING A LUNCH PERIOD FOR PUBLIC SCHOOL TEACHERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that the act establishing a lunch period for public school teachers shall take effect in a city or town only upon its acceptance by the school committee thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 80 of chapter 71 of the General Laws, added by chapter 127 of the acts of 1958, is hereby amended by adding after the word "period", in line 5, the words: —; provided, however, that the provisions of this section shall apply only in a city or town which accepts this section by vote of its school committee.

Approved June 6, 1958.

CHAP. 369. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN ACTIONS AT LAW FROM THE SUPERIOR COURT TO A DISTRICT COURT AND REPEALING THE REQUIREMENT THAT ACTIONS OF TORT ARISING OUT OF THE USE OF MOTOR VEHICLES BE COMMENCED IN A DISTRICT COURT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 19, as amended by section 1 of chapter 616 of the acts of 1954, and inserting in place thereof the following section: —
Section 19. Except as herein otherwise provided, district courts shall have original jurisdiction concurrent with the superior court of actions of contract, tort and replevin, and also of actions in summary process under chapter two hundred and thirty-nine and proceedings under section forty-one of chapter two hundred and thirty-one. District courts shall have exclusive original jurisdiction of civil proceedings under chapter two hundred and seventy-three A.

SECTION 1A. The last sentence of the first paragraph of section 2 of chapter 223 of the General Laws, as most recently amended by chapter 158 of the acts of 1955, is hereby further amended by striking out, in line 4, the word "shall" and inserting in place thereof the word: — may, — so as to read as follows: — An action of tort arising out of the

ownership, operation, maintenance, control or use of a motor vehicle or trailer as defined in section one of chapter ninety may be brought in a district court within the judicial district of which one of the parties lives or has a usual place of business or in any district court the judicial district of which adjoins and is in the same county as the judicial district in which the defendant lives or has his usual place of business; provided, that if one of the parties to any such action lives or has a usual place of business in Suffolk county such action may be brought in the municipal court of the city of Boston.

SECTION 2. Section 102B of chapter 231 of the General Laws, inserted by section 3 of said chapter 616, is hereby repealed.

SECTION 3. Said chapter 231 is hereby amended by inserting after section 102B the following section:— *Section 102C.* The superior court may of its own motion or on the motion of a plaintiff or defendant, after determination by said court that if the plaintiff prevails, there is no reasonable likelihood that recovery will exceed one thousand dollars, transfer for trial any action of tort or contract pending in said court to the court from which such action was previously removed, if any, or if such action was originally entered in the superior court, to any district court, including the municipal court of the city of Boston, in which it could have been brought under the provisions of section two of chapter two hundred and twenty-three.

Clerks of the superior court shall, when a case is so transferred, transmit the order of reference and the original papers in the action, or certified copies thereof, together with a copy of the docket entries, without charge to the clerk of the court to which such action was so transferred.

Such action shall be tried by a full time justice of the district court or by a justice authorized for such service in accordance with section seventy-seven A of chapter two hundred and eighteen. The justice shall file a written decision or finding with the clerk who shall forthwith notify the parties or counsel of record. Any party to the action aggrieved by the finding or decision may as of right have the case retransferred for determination by the superior court. The request for retransfer shall be filed with the clerk of said district court within ten days after notice of the decision or finding. If either party neglects to appear at the time appointed for such trial, or at any adjournment thereof, without just cause, or if at any such time either party refuses to produce in good faith the testimony relied on by him, the justice may close the trial and order that judgment be entered for the adverse party and file a finding or decision to that effect. Judgment shall be entered accordingly at the first judgment day after the expiration of ten days from the filing of such finding or decision, unless said justice for cause shown otherwise orders.

Upon the filing with the clerk of a request for retransfer, the decision or finding shall be forthwith transmitted, with any original papers received from the superior court, to the clerk of the superior court of the county from which the case was referred. The clerk of the superior court shall forthwith notify the parties or counsel of record of the receipt and filing of said finding or decision.

The action shall thereafter be tried in the superior court. The decision of, and the amount of the damages assessed, if any, by a district court shall be prima facie evidence upon such matters as are put in issue by the pleadings, and no other findings of such court shall at any time be admis-

sible as evidence or become part of the pleadings. A party shall be held to waive any right to jury trial previously claimed, unless within ten days after the filing of the finding or decision in the superior court he shall file a statement that he insists on a jury trial.

SECTION 3A. Section 141 of said chapter 231, is hereby amended by striking out, in line 18, as appearing in section 4 of chapter 616 of the acts of 1954, the words "one hundred and two B" and inserting in place thereof the words: — one hundred and two C.

SECTION 4. This act shall take effect on September first, nineteen hundred and fifty-eight.

Approved June 6, 1958.

CHAP. 370. AN ACT INCREASING THE NUMBER OF JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Section 1 of chapter 212 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "thirty-one" and inserting in place thereof the word: — thirty-seven, — so as to read as follows: — *Section 1.* The superior court shall consist of one chief justice and thirty-seven associate justices.

Approved June 6, 1958.

CHAP. 371. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO HARDWICK POND IN THE TOWN OF HARDWICK.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized and directed to lay out a right of way for public access to Hardwick pond in the town of Hardwick, with plans approved by the department of public works showing the location and dimensions of such right of way. If it is necessary to acquire land for the purpose of laying out such right of way, said county commissioners shall at the time such right of way is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way, shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The town of Hardwick may from time to time make specific repairs on or improve such right of way to such an extent as it may deem necessary, but neither the county of Worcester nor any city or town therein shall be required to keep such right of way in repair, nor shall they be liable for injury sustained by persons traveling thereon; provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way shall be borne by the county of Worcester, or by such cities and towns therein, and in such proportions, as said county commissioners may determine.

SECTION 4. Said right of way shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or of any local board of health, under any general or special law.

SECTION 6. This act shall take effect upon its passage.

Approved June 9, 1958.

CHAP. 372. AN ACT PROVIDING FOR THE TRANSFER OF THE CARE, CONTROL AND MAINTENANCE OF A PORTION OF HANCOCK STREET IN THE CITY OF QUINCY TO THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. On and after the effective date of this act, the care, control and maintenance of that portion of Hancock street in the city of Quincy lying between the junction of William T. Morrissey Boulevard and Hancock street, immediately southeast of Neponset bridge, and the southwesterly extension of the northwesterly boundary line of property of the Gulf Oil Company and William T. Morrissey Boulevard, shall be under the metropolitan district commission.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1958.

CHAP. 373. AN ACT VALIDATING THE ACTION OF THE INHABITANTS OF THE TOWN OF CARLISLE IN CONVEYING CERTAIN PROPERTY IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The action of the inhabitants of the town of Carlisle in conveying to Fred E. Philbrick and Elizabeth M. Philbrick certain land formerly used as a town farm and described in a deed dated May eighteenth, nineteen hundred and twenty-six, recorded in the Middlesex North District Registry of Deeds, Book 739, Page 218, is hereby declared to have been the authorized act of said town and said act is hereby validated and said deed is hereby declared to have conveyed title to the land described therein to the grantees named in said deed free and clear of any obligations to use the same for any public purpose or purposes whatsoever and the act of said town in taking a mortgage from said Fred E. Philbrick and Elizabeth M. Philbrick on the land described in said deed, said mortgage being dated May eighteenth, nineteen hundred and twenty-six and being recorded in said Middlesex North District Registry of Deeds, Book 737, Page 465 and the discharge of said mortgage by said town by its treasurer, Jennie M. Fisk, dated October twenty-seventh, nineteen hundred and thirty, recorded in said Middlesex North District Registry of Deeds, Book 796, Page 490, and the action of said town in taking a mortgage on the same described

premises from Clayton O. Philbrick and Maude A. Philbrick dated October twenty-eighth, nineteen hundred and thirty, recorded in said Middlesex North District Registry of Deeds, Book 796, Page 572, and the discharge of said mortgage by said town by its treasurer, James A. Patch, dated May twenty-eighth, nineteen hundred and forty-three, recorded in said Middlesex North District Registry of Deeds, Book 991, Page 486, are hereby declared to be the authorized acts of the town and all of said instruments are hereby validated as the acts of the town.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1958.

CHAP. 374. AN ACT DISCONTINUING COGSWELL FARM LANDING AND THE PUBLIC WAY LEADING THERETO IN THE TOWN OF ROCKPORT AND AUTHORIZING SAID TOWN TO CONVEY A CERTAIN PORTION THEREOF TO SAMUEL M. SEEHAL.

Be it enacted, etc., as follows:

SECTION 1. Cogswell Farm Landing, so called, in the town of Rockport and the Way leading thereto are hereby discontinued.

SECTION 2. The town of Rockport is hereby authorized to convey to Samuel M. Seegal of Brookline such portion or portions of the Cogswell Farm Landing, so called, in said town, and such portion or portions of the public way, so called, leading thereto from Penzance road in said town, as may be determined by the board of selectmen of said town to be included within the description of the property conveyed to the said Samuel M. Seegal by the deeds of Stanley Law Sabel and Barbara M. Sabel, the first dated June twenty-sixth, nineteen hundred and forty-five, recorded with Essex Southern District Registry of Deeds in book 3416, page 222, and the second dated March first, nineteen hundred and forty-eight, recorded with Essex Southern District Registry of Deeds in book 3590, page 591, the entire property having since been used and occupied by the said Samuel M. Seegal, in consideration of a grant to said town of an easement to use the rocks along the shore on the property of said Seegal for fishing, fowling and nature study, and an easement, at least five feet wide, of passage in connection therewith in and from the property of said Seegal to and from Penzance road, said easements to be in a form satisfactory to the board of selectmen of said town.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1958.

CHAP. 375. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO PROVIDE SCHOLARSHIPS AT THE BRADFORD DUFEE COLLEGE OF TECHNOLOGY.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River may annually provide for not more than five four-year scholarships at the Bradford Durfee College of Technology for residents of said city, the sums so required to be raised by taxation.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1958.

CHAP. 376. AN ACT AUTHORIZING THE TOWN OF MILTON TO GRANT EASEMENTS IN CERTAIN LAND IN MILTON VILLAGE ACQUIRED FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Milton may grant easements of way and easements for parking in a certain parcel of land in said town which was acquired for park purposes, said parcel being shown on a plan of land entitled "Plan showing Land owned by the Town of Milton, dated December, 1957, Alexander E. Manning, Town Engineer", and bounded and described as follows: — Beginning at a point one hundred eighty feet, more or less, east of the easterly side of Adams street on the south side of Wharf street, thence turning and running in a southerly direction for ninety-five feet, more or less, to the northerly boundary of land now or formerly owned by Frederick L. and Russel H. King, joint owners, thence running easterly for twenty-two feet more or less, along the boundary line of land owned by said King; thence turning and running northerly, and parallel to the southerly line commencing at the point of beginning, for one hundred feet, more or less, to the southerly side of Wharf street, thence turning and running westerly for twenty feet to the point of beginning, containing one thousand nine hundred and fifty square feet of land, more or less.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the town meeting members of said town present and voting thereon at an annual town meeting, but not otherwise.

Approved June 9, 1958.

CHAP. 377. AN ACT PROVIDING FOR THE EXPEDITING OF APPROVAL, MODIFICATION OR DISAPPROVAL OF PLANS SUBMITTED UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by striking out section 81U, as most recently amended by chapter 324 of the acts of 1955, and inserting in place thereof the following section: — *Section 81U.* When a definitive plan of a subdivision is submitted to the planning board, as provided in section 81O, a copy thereof shall also be filed with the board of health or board or officer having like powers and duties. Such health board or officer shall, within forty-five days after the plan is so filed, report to the planning board in writing approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure so to report shall be deemed approval by such board or officer.

After the hearing required by section eighty-one T and after the report of said health board or officer or the lapse of forty-five days without such report, the planning board shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or

officer, shall modify and approve or shall disapprove such plan, shall file a certificate of its action with the city or town clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of its action by registered mail, postage prepaid, to the applicant at his address stated on the application.

If the report of the board of health or board or officer having like powers and duties shall so require, the approval by the planning board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such board of health or officer.

Failure of the planning board to take final action regarding a plan submitted by an applicant within sixty days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

Before approval of a plan, a planning board shall require provision for the construction of ways and the installation of municipal services in accordance with the rules and regulations of said board, such construction and installation to be secured by one, or in part by one and in part by the other, of the methods described in the following clauses (1) and (2), which method may be selected and from time to time varied by the applicant:

(1) By a proper bond or a deposit of money or negotiable securities, sufficient in the opinion of the planning board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the planning board may require that the time be specified within which such construction and installation shall be completed.

(2) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.

Any covenant given under the preceding paragraph and any condition required by the health board or officer shall be either inscribed on the plan or contained in a separate document, referred to on the plan.

The penal sum of any such bond, or the amount of any deposit held under clause (1) above, may, from time to time, be reduced by the planning board and the obligations of the parties thereto released by said board in whole or in part.

Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the

planning board, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the city or town clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant, and said clerk shall forthwith furnish a copy of said statement to the planning board. If the planning board determines that said construction or installation has been completed, it shall release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with its rules and regulations and upon failure so to do within forty-five days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Any such bond may be enforced and any such deposit may be applied by the planning board for the benefit of such city or town, as provided in section eighty-one Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to such city or town of completing such construction and installation.

Before approval of a plan by a planning board, said board shall also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined said board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval.

SECTION 2. The provisions of section eighty-one U of chapter forty-one of the General Laws, as amended by section one, with reference to the release of the interest of a town in a bond, the termination of the obligations under a bond and the return of a bond or deposit given as security shall apply to all definitive plans whether filed before or after the effective date of this act and all other provisions of said section shall apply to definitive plans filed after said effective date.

Approved June 9, 1958.

CHAP. 378. AN ACT INCREASING THE AMOUNT OF PROPERTY WHICH MAY BE HELD BY THE LOWELL TEXTILE INSTITUTE BUILDING ASSOCIATION.

Be it enacted, etc., as follows:

Lowell Textile Institute Building Association, incorporated by chapter four hundred and twenty-eight of the acts of nineteen hundred

and forty-six, is hereby authorized to hold, for the purposes set forth in said chapter, real and personal estate to an amount not exceeding two million five hundred thousand dollars in addition to the amount of real and personal estate which may be held by said corporation under authority of said chapter and chapter four hundred and thirty-nine of the acts of nineteen hundred and forty-seven and chapter two hundred and eighty-four of the acts of nineteen hundred and fifty-six.

Approved June 9, 1958.

CHAP. 379. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO REIMBURSE PROPERTY OWNERS FOR DAMAGE CAUSED BY THE BURSTING OF A WATER SUPPLY MAIN IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

Notwithstanding any other provisions of law, including provisions relative to the settlement of claims against the commonwealth, the metropolitan district commission, subject to the approval of the attorney general, is hereby authorized and empowered to reimburse any persons for damage to their property, both real and personal, caused by the bursting, on January twenty-seventh, nineteen hundred and fifty-seven, of a section of the twelve-inch water supply main in the vicinity of 61 Bennington street in the city of Revere, and to expend for such purpose such sums as may be appropriated therefor from the funds of the metropolitan district commission; provided, that no claim for such damage shall be paid under the provisions of this act for any poles, wires, pipes or other public utility facilities located within the limits of any public way under any grant, license or permit.

Approved June 9, 1958.

CHAP. 380. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO TRANSFER CERTAIN PROPERTY IN THE CITY OF WORCESTER TO THE DIVISION OF YOUTH SERVICE AND PROVIDING FOR THE CONSTRUCTION OF A BUILDING THEREON.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health in the name and on behalf of the commonwealth is hereby authorized and directed to transfer and convey to the division of youth service, without consideration, a certain tract of land located in the city of Worcester and bounded and described as follows: —

Starting at a point on the northern side of Belmont Street at land of the department of public works; thence extending S 87° 29' 29" W by said Belmont Street 926 feet more or less to land of St. George's Syrian Antiochian Orthodox Church of Worcester; thence N 1° 59' 24" W by land of said church 667 feet more or less to other land of the department of mental health; thence S 82° 47' 54" E by said land of the department of mental health 1,023 feet more or less to land of the department of public works; thence S 40° 43' 36" W by said land of the department of public works 129 feet more or less, and again S 2° 30' 31" E by said land of said department 400 feet more or less to the point of beginning;

containing 12.6 acres more or less, and being that portion of the land of the Worcester State Hospital shown on a plan entitled "Plan of Land to be conveyed to the Division of Youth Service, April 1957, Robinson Engineering Inc."

SECTION 2. The director of the division of youth service is authorized and directed to construct upon the land transferred and conveyed under the provisions of section one the place of custody authorized by chapter five hundred and fifty-seven of the acts of nineteen hundred and fifty-six, and shall have control of such land and any buildings to be constructed thereon.

Approved June 9, 1958.

CHAP. 381. AN ACT TO CLARIFY THE POWERS AND DUTIES OF BOARDS OF APPEALS.

Be it enacted, etc., as follows:

Section 15 of chapter 40A of the General Laws is hereby amended by striking out paragraph 3, as appearing in section 2 of chapter 368 of the acts of 1954, and inserting in place thereof the following paragraph: —

3. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of the applicable zoning ordinance or by-law where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, but not otherwise.

Approved June 9, 1958.

CHAP. 382. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE CITY OF LEOMINSTER MAY EXPEND UNDER CONTRACTS FOR CONSTRUCTION WORK OR FOR THE PURCHASE OF APPARATUS, SUPPLIES OR MATERIALS WITHOUT ADVERTISING FOR BIDS.

Be it enacted, etc., as follows:

SECTION 1. Section 27 of chapter 338 of the Special Acts of 1915 is hereby amended by striking out, in line 4, the words "two hundred" and inserting in place thereof the words "one thousand", — so as to read as follows: — *Section 27.* No contract for construction work or for the purchase of apparatus, supplies or materials, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds one thousand dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of proposed work or supplies may be had and the time

and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Leominster, in accordance with the provisions of its charter, but not otherwise.

Approved June 9, 1958.

CHAP. 383. AN ACT CLARIFYING THE LAW AUTHORIZING CITIES AND TOWNS TO BORROW FOR FINANCING CERTAIN WATER SYSTEM FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 44 of the General Laws is hereby amended by striking out clause (4), as appearing in the Tercentenary Edition, and inserting in place thereof the following clause: —

(4) For the construction of filter beds, standpipes, reservoirs, buildings for pumping stations, including original pumping station equipment, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, twenty years.

SECTION 2. Said section 8 of said chapter 44 is hereby further amended by striking out clause (5), as most recently amended by section 1 of chapter 123 of the acts of 1952, and inserting in place thereof the following clause: —

(5) For laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and for lining such mains with linings of not less than one sixteenth of an inch, for the development of additional well fields, for wells, and for pumping station equipment, fifteen years.

Approved June 9, 1958.

CHAP. 384. AN ACT AUTHORIZING THE MASSACHUSETTS TURNPIKE AUTHORITY TO TAKE LAND FOR THE RELOCATION OF FACILITIES OF PUBLIC UTILITY COMPANIES AND TO VACATE OR RELOCATE CERTAIN PUBLIC HIGHWAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to facilitate needed highway construction in constricted and densely populated areas in the commonwealth, to permit of the proper alignment and location of such highways and the facilities of public utility companies and others in relation to each other, to provide for the future expansion of highways in such areas, to establish proper grades and elevations for required bridges, to provide for proper and adequate drainage in such constricted areas, and to protect the highway in the event of abandonment in the future of the facilities of such public utilities, it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience and necessity.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 7 of chapter 354 of the acts of 1952 is hereby amended by adding at the end the following sentence: — In exercising the power herein granted, the Authority may take private property in the name of a city or town by exercise of the

power of eminent domain as provided in chapter seventy-nine of the General Laws.

SECTION 2. Said section 7 of said chapter 354 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Any public highway affected by the construction of the turnpike may be vacated or relocated by the Authority and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the turnpike.

SECTION 3. Said section 7 of said chapter 354 is hereby further amended by inserting after the fifth paragraph the following paragraph:—

The Authority shall have power, in the process of constructing or reconstructing all or any part of the turnpike or any extension thereof or additions thereto, to take by eminent domain pursuant to chapter seventy-nine of the General Laws, such land abutting the turnpike as it may deem necessary or desirable for the purposes of removing or relocating all or any part of the facilities of any public utility, including rail lines, and may thereafter lease the same or convey an easement or any other interest therein to such utility company upon such terms as it, in its sole discretion, may determine. The relocation of the facilities of any public utility, including rail lines, in accordance with the provisions of this section shall be valid upon the filing of the plans thereof with the department of public utilities, and no general laws or other special laws, or parts thereof, shall be applicable to such relocation.

SECTION 4. Section 10 of said chapter 354 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of the turnpike and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages and restaurants, or for any other purpose, and to fix the terms, conditions, rents and rates of charges for such use.

SECTION 5. All general laws and all other special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this act.

Approved June 10, 1958.

CHAP. 385. AN ACT EXTENDING DEPENDENCY ALLOWANCES UNDER THE EMPLOYMENT SECURITY LAW TO CERTAIN HANDICAPPED CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide immediately that an unemployed person shall be paid an additional sum for each of his children eighteen years of age or over who are so mentally or physically incapacitated as to be incapable of earning any wages and who are dependent upon him, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 29 of chapter 151 A of the General Laws is hereby amended by striking out subsection (c), as most recently amended by chapter 542

of the acts of 1957, and inserting in place thereof the following subsection: —

(c) An individual in total or partial unemployment and otherwise eligible for benefits shall be paid for each week of such unemployment, in addition to the amount payable under paragraph (a) or (b), as the case may be, the sum of four dollars for each child under the age of eighteen and for each child eighteen years of age or over incapable of earning any wages because of mental or physical incapacity, who is dependent upon him at law and in fact in a benefit year; provided, that such dependent child is domiciled within the United States or the territories or possessions thereof, and that in no instance shall the regular unemployment benefits and the additional amount allotted for dependency and partial earnings under paragraph (b) be more than his average weekly wage.

Approved June 10, 1958.

CHAP. 386. AN ACT RELATIVE TO THE NUMBER OF MEMBERS OF THE EXECUTIVE COMMITTEE OF TREMONT TEMPLE BAPTIST CHURCH.

Be it enacted, etc., as follows:

SECTION 1. The number of members of the executive committee, having the powers of a standing committee, of Tremont Temple Baptist Church, located in the city of Boston and incorporated by charter duly made and issued on June twenty-ninth, eighteen hundred and ninety-one, shall, notwithstanding any provision of section forty-nine of chapter sixty-seven of the General Laws to the contrary, be not less than thirty-six nor more than seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1958.

CHAP. 387. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO APPROPRIATE AND BORROW MONEY FOR THE DRAINAGE OF THE SPRUCE POND BROOK AREA.

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin is hereby authorized to raise and appropriate or transfer from available funds a sum not exceeding sixty-three thousand dollars for the purpose of the construction and installation cost of the drainage of the Spruce Pond Brook area, according to plans and specifications submitted by the engineering firm of Whitman & Howard, said sum to be expended in conjunction with any money which may be allotted for said purposes by the commonwealth under the provisions of chapter ninety-one of the General Laws.

SECTION 2. For the purpose of providing funds for the expenditures authorized by section one, the town of Franklin may, by the issuance of bonds, or notes, borrow such sums as may be necessary, not exceeding sixty thousand dollars, payable in not more than twelve years. Said bonds or notes shall bear on their face the words Franklin Spruce Pond Brook Area Drainage Loan, Act of 1958. Each authorized issue shall constitute a separate loan. Indebtedness incurred under this act shall be within the statutory limit and shall be subject to the provisions

of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. Any action taken pursuant to the authority contained in this act by the town of Franklin at the annual town meeting held on March twenty-sixth, nineteen hundred and fifty-eight, shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said meeting.

SECTION 4. This act shall take effect upon its passage.

Approved June 10, 1958.

CHAP. 388. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO PAY MEMBERS OF THE BOARD OF HEALTH FOR CERTAIN ADDITIONAL SERVICES RENDERED.

Be it enacted, etc., as follows:

SECTION 1. The town of Fairhaven is hereby authorized to expend from available funds in the board of health account for the year nineteen hundred and fifty-seven the sum of six hundred and twenty-one dollars and fifty cents to pay Dr. F. A. Silveira, Jr., Dr. Edward L. Soares and Frank Bettencourt, members of said board for additional services rendered in said year.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1958.

CHAP. 389. AN ACT RELATIVE TO THE REGISTRATION OF CERTAIN TOWELS, GARMENTS, APRONS AND LINENS, AND REGULATING THE USE OF SAID REGISTERED ARTICLES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 110 of the General Laws is hereby amended by inserting after section 25 the following three sections under the caption REGISTRATION OF CERTAIN TOWELS, GARMENTS, APRONS, AND LINENS: — *Section 25A.* A person engaged in the business of supplying or furnishing for hire or compensation on a rental or lease basis clean laundered garments, towels, aprons, bed linen or table linen who uses his name and the word "registered" on such articles or supplies may register such articles or supplies by filing in the office of the clerk of the city or town where his principal place of business is situated, and also in the office of the state secretary, a description of the name so used by him, and paying the fee provided by clause (64) of section thirty-four of chapter two hundred and sixty-two, and shall publish such description once in each of three successive weeks in a newspaper having a circulation in the city or town where the description has been filed.

Section 25B. No person shall without the written consent of the owner take, detain, use, sell, traffic in or otherwise dispose of, or use for any purpose other than that for which such article was intended, any registered towel, garment, apron, bed linen or table linen; provided, however, that the use of such article or articles at the place where the same are placed or delivered by the owner or owners under an agreement, lease or license from such owner, shall not be unlawful; and provided, further, that nothing herein contained shall make it unlawful for any hotel,

restaurant, cafe or other public hostelry to permit and allow the use of such towel, garment, apron, bed linen or table linen to any guest, boarder or regularly hired employee thereof, during the period of any lease, renting or hiring agreement of said supplies with the owner thereof.

Section 25C. No person shall without the written consent of the owner wilfully destroy, mutilate or deface any registered towel, garment, apron, bed linen or table linen, or wilfully erase, mar, cover, remove or alter any word or name printed, branded, stamped or otherwise produced in a permanent manner upon such towel, garment, apron, bed linen or table linen.

SECTION 2. Said chapter 110 is hereby further amended by inserting after section 28 the following section: — *Section 29.* Whoever violates any of the provisions of sections twenty-five A to twenty-five C, inclusive, shall be punished for the first offence by a fine of not less than ten nor more than fifty dollars, and for each subsequent offence shall be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment in jail for not less than thirty days nor more than three months, or both.

Approved June 10, 1958.

CHAP. 390. AN ACT AUTHORIZING TOWNS TO APPROPRIATE MONEY FOR THE CONTROL OF DISEASES OF EPIDEMIC PROPORTIONS.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by adding after clause (51), added by section 2 of chapter 223 of the acts of 1957, the following clause: —

(52) For the control of any disease determined by the department of public health to be of epidemic proportions. *Approved June 10, 1958.*

CHAP. 391. AN ACT ENABLING CERTAIN EMPLOYEES OF THE CITY OF BOSTON AND COUNTY OF SUFFOLK TO EFFECT A LATE ENTRY INTO MEMBERSHIP IN THE STATE-BOSTON RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter five hundred and twenty of the acts of nineteen hundred and forty-seven, any employee of the city of Boston or of the county of Suffolk, who on the effective date of this act is a member of the Boston retirement system may, at any time while such an employee, become a member of the State-Boston retirement system by filing with the Boston retirement board an application on a prescribed form for membership in the State-Boston retirement system. No person becoming a member of the State-Boston retirement system under this act shall be entitled to full credit for service rendered prior to the date of his becoming such member unless before the date any retirement allowance becomes effective for him he shall have paid into the annuity savings fund of the State-Boston retirement system, in one sum, or in instalments, upon such terms and conditions as said retirement board may prescribe, make-up payments of a sum equal to the difference between the contributions he has made to the Boston retirement system since January first,

nineteen hundred and forty-seven, and the contributions he would have made had he joined the State-Boston retirement system on that date, together with regular interest thereon. Upon the completion of such make-up payments such member shall be entitled to all creditable service to which he would have been entitled had he joined the State-Boston retirement system when first eligible to become a member.

Notwithstanding the provisions of said chapter five hundred and twenty, any person who on February first, nineteen hundred and twenty-three, was, and continuously since then has been, an employee as defined in paragraph (b) of section two of chapter five hundred and twenty-one of the acts of nineteen hundred and twenty-two, as amended by section five of chapter four hundred and nine of the acts of nineteen hundred and thirty-seven, and who on the effective date of this act is neither a member of the Boston retirement system nor a member of the State-Boston retirement system, may, at any time while such an employee, become a member of the State-Boston retirement system by filing with the Boston retirement board an application on a prescribed form for membership in the State-Boston retirement system. No person becoming a member of the State-Boston retirement system under this act shall be entitled to full credit for service rendered prior to the date of his becoming such member unless before the date any retirement allowance becomes effective for him he shall have paid into the annuity savings fund of the State-Boston retirement system, in one sum, or in instalments upon such terms and conditions as said retirement board may prescribe, make-up payments in a sum equal to the aggregate of (a) the amount which, if he had become a member of the Boston retirement system on February first, nineteen hundred and twenty-three, his accumulated deductions would total at the time of his becoming a member of the State-Boston retirement system under this act, together with regular interest thereon from the date of his becoming a member of the State-Boston retirement system, and (b) the difference between the contributions he would have made to the Boston retirement system since January first, nineteen hundred and forty-seven, and the contributions he would have made had he joined the State-Boston retirement system on that date, together with regular interest on such difference. Upon the completion of such make-up payments such member shall be entitled to all creditable service to which he would have been entitled had he joined the State-Boston retirement system when first eligible to become a member.

In the event any retirement allowance becomes effective for any person becoming a member of the State-Boston retirement system under this act before the completion of the make-up payments prescribed hereunder, such person shall, in addition to credit for his actual membership service, be entitled to credit for that proportion of his service rendered prior to the date of his becoming a member of the State-Boston retirement system which the total amount of his make-up payments actually made, exclusive of interest accruing thereon after the date of his becoming a member, bears to the total amount of what his make-up payments would have been had he made payment thereof in one sum on the date of his becoming a member.

SECTION 2. The provisions of this act, shall notwithstanding any provision of general or special law to the contrary, be applicable to any person who on October first, nineteen hundred and fifty-seven, was an

employee of the city of Boston or county of Suffolk and a member of the Boston retirement system and who, between said October first and the effective date of this act, shall have reached the age of compulsory retirement, whether or not any retirement allowance had become effective or had been paid between said dates.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved June 10, 1958.

CHAP. 392. AN ACT INCREASING THE RETIREMENT ALLOWANCE OF CERTAIN RETIRED STATE EMPLOYEES WHO HAVE ATTAINED THE AGE OF NINETY AND HAVE THIRTY-FIVE YEARS CREDITABLE SERVICE.

Be it enacted, etc., as follows:

Notwithstanding any provisions of law to the contrary, any retired state employee who at the time of his retirement had thirty-five or more years of creditable service and who upon the first day of July, nineteen hundred and fifty-eight has attained the age of ninety and is receiving a retirement allowance of less than two thousand dollars shall have said allowance increased to two thousand dollars, as of said date.

Approved June 10, 1958.

CHAP. 393. AN ACT PROVIDING FOR THE TRANSFER OF THE CARE, CONTROL AND MAINTENANCE OF BROADSOUND AVENUE IN THE CITY OF REVERE TO THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

On and after the effective date of this act the care, control, policing, and maintenance of Broadsound avenue in the Beachmont section of the city of Revere shall be vested in the metropolitan district commission.

Approved June 10, 1958.

CHAP. 394. AN ACT TRANSFERRING TO THE METROPOLITAN DISTRICT COMMISSION THE CARE, CONTROL AND MAINTENANCE OF CERTAIN STREETS IN THE JAMAICA PLAIN DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to take over the care, control and maintenance of that portion of Prince street which lies between Perkins street and the Jamaica way at Kelley circle, and that portion of Perkins street which lies between Francis Parkman drive and Prince street in the Jamaica Plain district of the city of Boston.

SECTION 2. This act shall take effect upon its acceptance by vote of the city council of the city of Boston, pursuant to the provisions of its charter.

Approved June 10, 1958.

CHAP. 395. AN ACT TO PROVIDE LIENS IN CERTAIN CASES FOR EXPENSES INCURRED FOR THE RELIEF AND SUPPORT OF CERTAIN PERSONS.

Be it enacted, etc., as follows:

Section 5 of chapter 117 of the General Laws, as most recently amended by section 1 of chapter 581 of the acts of 1948, is hereby further amended by adding the following paragraph: —

If relief or support under this chapter is necessary as a result of an accident, injury or illness for which moneys are expected to be provided by accident or health insurance, workmen's compensation, or otherwise, the board of public welfare may require the person in need of such relief or support to provide for the reimbursement of the town for each day of such relief or support by assigning to the town an equivalent amount of the moneys to be so realized for such day; but such assignment shall not operate as a lien on moneys to be so realized for any day for which relief or support is not provided. Such assignment may be enforced by petition to the district court within the jurisdiction of which the town providing such relief or support is situated.

Approved June 10, 1958.

CHAP. 396. AN ACT PROVIDING THAT CERTAIN SEASONAL POSITIONS IN THE DIVISION OF PUBLIC BEACHES SHALL NOT BE SUBJECT TO THE CIVIL SERVICE LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to exempt forthwith certain positions from civil service, thereby expediting the appointment of certain helpers and attendants to work in the division of public beaches during the summer season, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the positions of conservation helper and bathhouse attendant filled on a seasonal basis in the division of public beaches within the department of public works shall not be subject to the provisions of chapter thirty-one of the General Laws.

Approved June 13, 1958.

CHAP. 397. AN ACT AUTHORIZING THE TOWN OF HANOVER TO PAY A CERTAIN SUM OF MONEY TO THE HANOVER HISTORICAL SOCIETY FOR EXPENSES INCURRED IN CONNECTION WITH THE MAYFLOWER II CELEBRATION.

Be it enacted, etc., as follows:

SECTION 1. The town of Hanover is hereby authorized to appropriate from available funds the sum of one hundred and thirty-one dollars and fifteen cents to reimburse the Hanover Historical Society for funds expended in the preparation of a float which represented the town of Hanover in the Colonial Day parade at Plymouth during the Mayflower II celebration.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1958.

CHAP. 398. AN ACT TO EXTEND THE CORPORATE EXISTENCE OF JOHNSON SECURITIES COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the corporate existence of Johnson Securities Company which otherwise may terminate July eighth, nineteen hundred and fifty-eight, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seven of chapter one hundred and fifty-six of the General Laws, Johnson Securities Company shall continue to be a corporation for a further term of one year from July eighth, nineteen hundred and fifty-eight, and shall during such further term have the powers and privileges and be subject to the duties, liabilities and restrictions set forth in its charter and in all general laws now or hereafter in force relating to such corporations.

Approved June 13, 1958.

CHAP. 399. AN ACT AUTHORIZING THE CHAIRMAN OF THE STATE BOXING COMMISSION TO MAKE CERTAIN RULES, REGULATIONS AND REPORTS.

Be it enacted, etc., as follows:

Chapter 147 of the General Laws is hereby amended by striking out section 46, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 46.* The chairman, in consultation with the other members of the commission, may make such rules and regulations for the administration and enforcement of sections thirty-two to forty-seven, inclusive, as he may deem necessary, subject to the approval of the governor and council. Such rules and regulations may provide for and regulate the granting of a special permit for exhibitions where no decision is to be rendered and where a skilled boxer or boxers merely demonstrate the science of boxing. The commission through the commissioner shall make an annual report to the general court of the acts of the commission.

Approved June 13, 1958.

CHAP. 400. AN ACT AUTHORIZING AND DIRECTING THE DIRECTOR OF THE DIVISION OF EMPLOYMENT SECURITY TO CONVEY CERTAIN LAND TO THE HEIRS OF THE LATE SHERMAN BOWLES OF SPRINGFIELD.

Be it enacted, etc., as follows:

The director of the division of employment security in the name of the commonwealth and subject to the approval of the governor and council is hereby authorized and directed to transfer and convey to certain heirs of the late Sherman Bowles of Springfield, as tenants in common, all the right, title and interest of the commonwealth in and to a certain parcel of land more particularly described in a sheriff's deed to the commonwealth, dated August 30, 1946, and recorded with Hampden

County Registry of Deeds, Book 1837, page 370, in the following proportions: —

- to Esther J. Bowles, a one third interest;
- to Francis Bowles, a one sixth interest;
- to Elizabeth H. Bowles, a one sixth interest;
- to Amy Jane Slade, a one sixth interest;
- to John Bowles, a one sixth interest;

upon the payment to the commonwealth of a sum to be mutually agreed upon. The said director is authorized to sign, acknowledge and deliver in form to be approved by the attorney general a deed in execution of the foregoing.

Approved June 13, 1958.

CHAP. 401. AN ACT PROVIDING THAT A PERSON HELD IN CUSTODY, CHARGED WITH OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, SHALL HAVE THE RIGHT TO HAVE AN IMMEDIATE MEDICAL EXAMINATION.

Be it enacted, etc., as follows:

Chapter 263 of the General Laws is hereby amended by inserting after section 5 the following section: — *Section 5A.* A person held in custody at a police station or other place of detention, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him. The police official in charge of such station or place of detention shall inform him of said right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it.

Approved June 18, 1958.

CHAP. 402. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PERMIT THE INSTALLATION OF PAY TELEPHONE BOOTHS ALONG THE FALL RIVER EXPRESSWAY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the department of public works is hereby authorized to grant permission for the installation of pay telephone booths along the Fall River Expressway.

Approved June 18, 1958.

CHAP. 403. AN ACT AUTHORIZING ADVANCE PAYMENTS TO CERTAIN EMPLOYEES OF THE COMMONWEALTH WHO ARE ELIGIBLE FOR RETIREMENT.

Be it enacted, etc., as follows:

Chapter 32 of the General Laws is hereby amended by adding after section 97 the following section: — *Section 98.* The state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to employees of the commonwealth who are eligible for, and who have filed application for, retirement, during such period as is necessary for the processing of such application for retirement. The said treasurer shall make rules and regulations governing such payment.

Approved June 18, 1958.

CHAP. 404. AN ACT RELATIVE TO RIGHTS OF CERTAIN MEMBERS OF CONTRIBUTORY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of subdivision (1) of section 14 of chapter 32 of the General Laws, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — During such periods, however, no deductions for the annuity savings fund of the system shall be made from payments such members shall receive under the provisions of chapter one hundred and fifty-two, nor shall he withdraw his accumulated total deductions therefrom.

SECTION 2. The paragraph inserted after paragraph (a) of said subdivision (1) of said section 14 of said chapter 32, as amended by chapter 484 of the acts of 1952, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — At the time of his retirement there shall be transferred from the pension fund of the system of which he was a member at the time of the accident, to the annuity savings fund of the system of which he is then a member, the amount which said person would have paid into said fund had his employment in the service of the commonwealth or political subdivision thereof not been interrupted by his industrial accident with regular interest to the date of retirement, but in no event more than would be credited to him if regular deductions with interest were made on his full salary or wages; provided, that any sum so paid by the commonwealth or any political subdivision thereof shall be used only to provide an increased retirement allowance of the person on whose account such payment is made.

Approved June 18, 1958.

CHAP. 405. AN ACT RELATIVE TO MEMBERSHIP IN THE FITCHBURG FIREMAN'S RELIEF ASSOCIATION AND PROVIDING FOR PAYMENT OF CERTAIN DEATH BENEFITS BY SAID ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Any member of the Fitchburg Fireman's Relief Association, a corporation duly organized under the laws of the commonwealth, who ceases to be a member of the Fitchburg fire department shall thereupon cease to be a member of said association and shall no longer be entitled to any benefits therefrom; provided, however, that any member of said association who ceases to be a member of the Fitchburg fire department by reason of being retired shall, within thirty days after such retirement, be paid from the funds of said association a sum of money equal to the death benefit provided by its by-laws.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved June 18, 1958.

CHAP. 406. AN ACT PROVIDING FOR A MINIMUM CORPORATION EXCISE.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 63 of the General Laws, as most recently amended by section 1 of chapter 577 of the acts of 1957, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection: —

(b) In no event shall the excise be less than one twentieth of one per cent of the fair value of the corporation's capital stock on the last day of such taxable year or twenty-five dollars, whichever is greater.

SECTION 2. Section 39 of said chapter 63, as most recently amended by section 2 of said chapter 577, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection: —

(b) In no event shall the excise payable be less than one twentieth of one per cent of such proportion of the fair value of the corporation's capital stock as the assets, both real and personal employed in any business within the commonwealth on the last day of such taxable year bear to the total assets of the corporation employed in business on said date or twenty-five dollars, whichever is greater.

SECTION 3. This act shall apply to taxable years commencing on and after December thirty-first, nineteen hundred and fifty-seven.

Approved June 18, 1958.

CHAP. 407. AN ACT RELATIVE TO THE INVESTMENT OF CERTAIN RETIREMENT SYSTEM FUNDS.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 23 of chapter 32 of the General Laws, is hereby amended by striking out clause (i), as amended by chapter 417 of the acts of 1956, and inserting in place thereof the following clause: —

(i) In securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided that: —

(A) Not more than twenty per cent of the assets of any such system shall be invested in railroad obligations, nor shall more than two per cent of the said assets be invested in the obligations of any one operating railroad corporation, including its direct and assumed obligations and including also the obligations of lessor railroad corporations which derive seventy-five per cent or more of their income from leases of their railroads to said operating railroad corporation.

(B) Not more than twenty-five per cent of the assets of any such system shall be invested in the bonds of telephone companies, nor shall more than two and one half per cent of such assets be invested in the bonds of any one telephone company.

(C) Not more than forty per cent of the assets of any such system shall be invested in the bonds of public service companies, nor shall more than three per cent of such assets be invested in the bonds of any one such corporation.

(D) Not more than ten per cent of the assets of any such system shall be invested in obligations made eligible for investment by savings banks under the provisions of section fifty of chapter one hundred and sixty-eight, nor shall more than one per cent of such assets be invested in the obligations of any one obligor so made eligible for investment.

(E) Not more than fifteen per cent of the assets of any such system shall be invested in bank stocks and insurance companies stocks, nor shall more than one and one half per cent of such assets be invested in the stock of any one bank or insurance company.

Approved June 18, 1958.

CHAP. 408. AN ACT PROVIDING RETIREMENT BOARDS AN ALTERNATIVE METHOD OF PREPARING THE ANNUAL STATEMENT RELATIVE TO THE STATUS OF A MEMBER'S ACCOUNT.

Be it enacted, etc., as follows:

Paragraph (i) of subdivision (5) of section 20 of chapter 32 of the General Laws is hereby amended by striking out the last sentence, added by section 1 of chapter 642 of the acts of 1954, and inserting in place thereof the following sentence:— Such statement shall show either the total contribution since the member entered the retirement system, the total amount of interest which has accrued, and the combined total in the account as of the end of the previous calendar year, or the regular deductions for the previous calendar year, additional deductions, if any, for the previous calendar year, regular interest credited for the previous calendar year, and accumulated total deductions as of the close of the previous calendar year.

Approved June 18, 1958.

CHAP. 409. AN ACT PROVIDING THAT VETERANS OF WORLD WAR I WHO ARE RESIDENTS OF THE COMMONWEALTH MAY TAKE UNIVERSITY EXTENSION COURSES FREE OF CHARGE.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by striking out section 7A, as amended by section 20 of chapter 627 of the acts of 1954, and inserting in place thereof the following section:— *Section 7A.* In addition to the persons entitled to take university extension courses free of charge under section seven, the following persons shall be entitled to take such courses free of charge for a total period of not more than four years:—

Residents of the commonwealth while serving in the armed forces of the United States and stationed in the commonwealth.

World War I, World War II and Korean veterans, as defined in clause Forty-third of section seven of chapter four, who are residents of the commonwealth.

The commonwealth may accept and use such federal funds as may be available for the purposes of this section. *Approved June 18, 1958.*

CHAP. 410. AN ACT MAKING A MINOR WHO HAS ATTAINED THE AGE OF EIGHTEEN COMPETENT TO GIVE A VALID DISCHARGE FOR CERTAIN PAYMENTS MADE TO HIM UNDER CERTAIN INSURANCE POLICIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 128 the following section:— *Section 128A.* Any minor domiciled in this commonwealth who has attained the age of eighteen years shall be deemed competent to receive and to give full acquittance and discharge for a payment or payments in an aggregate amount not exceeding two thousand dollars in any one year, made by any insurer as benefits payable to such minor in compliance with the provisions of an insurance policy, annuity contract or settlement agreement; pro-

vided that prior to such payment the company has not received written notice of the appointment of a duly qualified guardian of the property of such minor. No such minor shall be deemed competent to alienate the right to, or to anticipate, such payments.

This section shall not be deemed to affect the rights of minors under section one hundred and twenty-eight. *Approved June 18, 1958.*

CHAP. 411. AN ACT AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE CITY OF BOSTON OF THE QUESTION OF INCREASING THE SALARIES OF AND ESTABLISHING A MINIMUM ANNUAL SALARY FOR FIRE FIGHTERS AND UNIFORMED FIRE ALARM PERSONNEL IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The officers and members of the fire-fighting force of the fire department of the city of Boston shall receive such annual salary as shall from time to time be fixed by the fire commissioner with the approval of the mayor; provided, however, that the chief of department shall not receive as an annual salary less than eleven thousand nine hundred and forty dollars, nor an assistant chief less than ninety-eight hundred and forty dollars, nor a deputy chief less than eighty-eight hundred and forty dollars, nor a district chief less than eight thousand dollars, nor a captain less than sixty-nine hundred and sixty dollars, nor a lieutenant less than sixty-two hundred and eighty dollars, nor a fire fighter after the second year of service less than fifty-five hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars.

SECTION 2. The officers and members of the fire alarm division of the fire department of said city shall receive such annual salary as shall from time to time be fixed by the fire commissioner with the approval of the mayor; provided, however, that the superintendent of fire alarm shall not receive as an annual salary less than eighty-eight hundred and forty dollars, nor an assistant superintendent less than eight thousand dollars, nor a general foreman of fire alarm construction or a radio supervisor less than seventy-three hundred and sixty dollars, nor a principal fire alarm operator or a foreman of inside wiremen or a foreman of linemen and cable splicers less than sixty-nine hundred and sixty dollars, nor a senior fire alarm operator or a radio operator or a working foreman machinist or a working foreman lineman and cable splicer or an inside wireman less than sixty-two hundred and eighty dollars, nor an electrical equipment repairman after the second year of service less than fifty-seven hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars, nor a fire alarm operator or a radio repairman or a machinist or a cable splicer or a lineman or a motor equipment operator after the second year of service less than fifty-five hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars.

SECTION 3. (a) If a petition is obtained, signed and filed, and signatures of petitioners thereon certified, and a certificate transmitted to

the state secretary, all as provided in this section, there shall be printed on the official ballot to be used in the city of Boston at the biennial state election in the current year the following question:— Shall fire fighters and uniformed fire alarm personnel employed by the city of Boston, who now receive a yearly salary of \$4,090 to start, \$4,450 after two years' service and \$4,710 after eleven years' service, receive an increase of at least \$790 to a minimum yearly salary of \$4,880 to start and \$5,500 after two years' service, with salary increases of at least \$790 for their uniformed superiors?

YES	
NO	

(b) A petition for the printing of such question as aforesaid shall be issued only if, after the effective date of this section, ten or more registered voters of the city appear together at the office of the board of election commissioners of the city, elsewhere in this act called the election commission, and in the presence of a justice of the peace subscribe, in a book kept for the purpose by the election commission, a request for the issuance of such petition in substantially the following form: —

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON

REQUEST FOR ISSUANCE OF PETITION FOR PRINTING OF QUESTION ON BALLOT.

Each of the undersigned hereby declares under the pains and penalties of perjury on this day of 1958:

- 1. That he is a registered voter of the City of Boston residing at the street and number, and in the ward, set against his name.
- 2. That he desires to have printed on the official ballot to be used in the City of Boston at the biennial state election to be held in the current year the following question:

(Here insert the question set forth in paragraph (a) of this section.)

- 3. And that he hereby requests the issuance of a petition for such printing of such question.

The undersigned do hereby appoint each of the following persons: — *(here insert name and address of one or more persons)* as their duly authorized agents to receive the petition hereby requested.

Signature of Petitioner	Residence on January 1, 1958	Ward	Precinct	Present Residence
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Signed by the subscribers appearing together at the office of the Board of Election Commissioners of the City of Boston on this day of 1958 in the presence of

.....
Justice of the Peace.

(c) If a request is subscribed as provided for by paragraph (b), the election commission shall check each name on such request and shall certify thereon the number of signatures so checked which are the names of registered voters of the city and, if such request contains at least ten names certified pursuant to this paragraph, shall issue, not later than five o'clock in the afternoon of the tenth day after the subscription of such request, to any one of the persons specified in such request as the duly authorized agents of the persons subscribing such request, petition sheets containing spaces for signature equal in number to one half of the number of persons registered to vote in the city at the biennial

state election next preceding the filing of such request. Each petition sheet shall be in substantially the following form:

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON

PETITION FOR PRINTING OF CERTAIN QUESTION ON BALLOT IN THE CITY OF BOSTON.
TO THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF BOSTON:

We, the undersigned, registered voters of the City of Boston, hereby petition that there be printed on the official ballot to be used in the City of Boston at the biennial state election to be held on Tuesday, November 4, 1958, the following question: —

(Here insert the question set forth in paragraph (a) of this section.)

Signatures of Petitioners (To be signed in person with name as registered)	Residence January 1, 1958 (If registered after above date, residence when registered)	Ward	Precinct	Present Residence
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THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON,

19 .

The undersigned, being the circulator or circulators of this sheet, severally certify, under the pains and penalties of perjury, that the persons whose names are written upon the lines the numbers of which appear opposite our signatures below, signed the same in person.

NAMES AND ADDRESSES OF PERSONS CIRCULATING THIS SHEET	NUMBERS OF LINES UPON WHICH APPEAR SIGNATURES AS TO WHICH CERTIFICATION IS MADE HEREBY
--	--

NAME

ADDRESS

(Add here or at some other convenient place on petition sheet the following) —

This petition sheet filed by

.....
Signature of Filer
.....
Number, Street, City

Each petition sheet shall, before issuance, be prepared by the election commission by making the insertion required by the foregoing form. No petition sheet shall be valid unless prepared and issued by the election commission.

(d) A petition for the printing of said question as aforesaid shall be signed by registered voters of the city to a number equal at least to five per cent of the persons registered to vote in the city at the biennial state election next preceding the filing of the petition. Every voter signing such a petition shall sign in person, with his name as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in paragraph (c) shall not be counted in

determining the number of petitioners. If the name of any voter appears as petitioner on the same petition more than once, it shall be deemed to appear but once.

(e) The separate sheets of a petition for the printing of said question as aforesaid shall be filed all together with the election commission at or before five o'clock in the afternoon of July twenty-second in the current year. Every sheet of such petition shall be signed by the person filing such petition who, if he is other than the person appointed to receive the petition upon the issuance thereof, shall add to his signature his place of residence, giving street and number, if any; and the election commission shall require satisfactory identification of such person. Such petition shall, when filed, be a matter of public record; but such petition shall not be open to public inspection until the signatures thereon have been certified.

(f) Upon the filing of a petition for the printing of said question as aforesaid the election commission shall check each name to be certified by it on such petition and shall certify thereon the number of signatures so checked which are the names of registered voters of the city; provided, however, that said commission shall not certify a greater number of names than required by paragraph (d) with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same petition. A petition not containing names certified pursuant to this paragraph, to the number required by said paragraph (d), shall be invalid. The election commission shall complete the certification required by this paragraph at or before five o'clock in the afternoon of August nineteenth in the current year.

(g) A petition for the printing of said question as aforesaid which has been filed and is in apparent conformity with law shall be deemed to be valid unless written objection thereto is made by a registered voter of the city. Such objection shall be filed with the election commission at or before five o'clock in the afternoon of August twenty-sixth in the current year. Any general or special law to the contrary notwithstanding, objections filed with the election commission shall forthwith be transmitted by it to the Boston ballot law commission, which shall forthwith consider such objections and not later than September ninth in the current year render its decision on such objections stating its finding as to the validity of the petition. In all matters relating to such objections, said commission shall have the powers and perform the duties prescribed by law for the state ballot law commission in matters under its jurisdiction; and the decision of said commission shall in like manner be final except that it shall be subject to judicial review under section fourteen of chapter thirty A of the General Laws. Certification pursuant to paragraph (f) shall not preclude a voter from filing objections to the validity of such petition.

(h) If such petition is either deemed or found to be valid under paragraph (g), the election commission shall transmit to the state secretary not later than five o'clock in the afternoon of September sixteenth in the current year a certificate of the filing of a petition in conformity with this section, of the certification of signatures of petitioners thereon to the number required by paragraph (d) and of the deeming or finding of such petition to be valid under paragraph (g).

SECTION 4. Section three of this act shall take effect upon its passage. Sections one and two of this act shall take effect on the first

Wednesday of January, nineteen hundred and fifty-nine, if the aforesaid question is printed on the official ballot to be used in the city of Boston at the biennial state election in the current year and a majority of votes cast in answer to such question at such election are in the affirmative.

Approved June 19, 1958.

CHAP. 412. AN ACT EXEMPTING FROM LOCAL TAXATION CERTAIN LANDS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of chapter fifty-nine of the General Laws, or of section twelve of Part I of chapter four hundred and ninety of the acts of nineteen hundred and nine, or of section seventeen of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six, or of any other general or special law, there shall be exempt from local taxation, so long as constituting property of the commonwealth or of the Massachusetts Port Authority and remaining open to the public for navigation, so much of the lands situate in that part of the city of Boston called South Boston and known as the Commonwealth Flats as are shown as lots A¹ and A⁵ on a plan by Ernest W. Branch Inc., dated March 6, 1958, entitled "Plan of Comm. Pier #6 (Fish Pier) Boston", and filed in the office of the state secretary on June 2, 1958.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved June 19, 1958.

CHAP. 413. AN ACT AUTHORIZING THE WELLESLEY HOUSING AUTHORITY TO TAKE BY EMINENT DOMAIN CERTAIN LAND IN WELLESLEY TO PROVIDE A PROJECT FOR HOUSING ELDERLY PERSONS OF LOW INCOME.

Be it enacted, etc., as follows:

SECTION 1. The Wellesley Housing Authority, subject to the rights of the Commonwealth of Massachusetts in the Cochituate aqueduct, is hereby authorized to take by eminent domain, in order to provide housing for elderly persons of low income, a parcel of land owned by the town of Wellesley, being a portion of the land described in a deed dated August 10, 1916 and recorded with Norfolk Deeds, Book 1358, Page 339, which parcel is shown on a plan entitled "Plan of Land in Wellesley, Mass. owned by Town of Wellesley" by Gleason Engineering Company dated April 29, 1958, a copy of which is on file in the office of the town clerk, and is bounded as follows: — Northwesternly by land of the Boston and Albany Railroad Company, three hundred twenty-seven and thirty-four hundredths feet; northeasterly, by land now or formerly of George F. and Mary B. Doherty, one hundred sixty-one and fifty-one hundredths feet; southeasterly, northeasterly and southeasterly again by three lines, sixty-five feet, thirty feet and one hundred sixty-five and thirty-three hundredths feet by other land of said town; northeasterly by said other land of the town, two hundred thirty-seven and eighty-one hundredths feet; southeasterly by the northerly line of Washington street, forty feet; southwesterly by land of the town of Wellesley three hundred eighty-four and twenty hundredths feet.

SECTION 2. This act shall take effect upon its passage.

Approved June 24, 1958.

CHAP. 414. AN ACT FURTHER REGULATING THE DRAWING OF WATER FROM MUSCHOPAUGE POND BY THE TOWNS OF RUTLAND AND HOLDEN.

Be it enacted, etc., as follows:

SECTION 1. The towns of Rutland and Holden may for the purposes specified in chapter one hundred and fifty-eight of the acts of eighteen hundred and ninety-five, and chapter one hundred and eighty of the acts of eighteen hundred and ninety-six, respectively, withdraw from Muschopauge pond in the town of Rutland all the water necessary to meet the reasonable requirements of the towns of Rutland and Holden when the water level of Muschopauge pond is not more than five feet below the high water elevation, said high water elevation being hereby re-established as one thousand twenty-nine and four hundredths feet above mean sea level datum. When the level of Muschopauge pond is below elevation one thousand twenty-four and four hundredths feet mean sea level, the amounts of water drawn by the town of Holden from Muschopauge pond shall be subject to the rights of the town of Rutland in said pond, and the amounts which may be drawn by said towns shall be determined by the water resources commission upon application by either of said towns. Such determinations shall be made within thirty days after such application and shall be final, and the supreme judicial or superior court upon application of said water resources commission may enforce said determinations.

SECTION 2. Said towns shall adopt all reasonable measures to prevent wasting or improper use of the water so withdrawn. The towns of Rutland and Holden shall each report monthly to the water resources commission the amounts of water withdrawn from said pond and the elevation of the water therein.

SECTION 3. This act shall take effect upon its passage.

Approved June 24, 1958.

CHAP. 415. AN ACT EXTENDING THE DATE OF EXPIRATION OF FUNDS FOR THE INVESTIGATION OF THE GROUND WATER RESOURCES IN THE COUNTIES OF PLYMOUTH AND BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 314 of the acts of 1957 is hereby amended by striking out, in line 6, the word "fifty-eight" and inserting in place thereof the word: — fifty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved June 24, 1958.

CHAP. 416. AN ACT RELATIVE TO MEMBERSHIP UNDER THE CONTRIBUTORY RETIREMENT LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that the retirement allowance of certain inactive members of the contributory retirement system shall not be less than the retirement allowance such members would have received under the provisions of law in effect prior to the effective date of chapter six hundred and sixty-one of the acts of nineteen hundred

and fifty-seven, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 661 of the acts of 1957 is hereby amended by striking out section 4 and inserting in place thereof the following section: — *Section 4.* This act shall take effect as of May thirty-first, nineteen hundred and fifty-seven; but anything in sections one to three, inclusive, of this act to the contrary notwithstanding, the retirement allowance of any person who on May thirty-first, nineteen hundred and fifty-seven was either a member in service, or a member inactive except one who has been retired and who is receiving a retirement allowance, of a retirement system subject to sections one to twenty-eight, inclusive, of chapter thirty-two of the General Laws, shall in no event be less than the retirement allowance provided by the provisions of law in effect immediately prior to the effective date of this act; nor shall the benefit of any beneficiary of such person be less than the benefit so provided.

Approved June 24, 1958.

CHAP. 417. AN ACT FOR THE REIMBURSEMENT BY THE COMMONWEALTH TO THE CITY OF QUINCY FOR CERTAIN LAND TAKEN FOR WIDENING ROBERTSON STREET.

Be it enacted, etc., as follows:

Notwithstanding any other provision of law, there shall be paid, subject to appropriation, from the Highway Fund, to the city of Quincy the sum of four thousand dollars for approximately four thousand feet of land taken by the commonwealth from the Gridley Bryant School playground for the widening of Robertson street.

Approved June 24, 1958.

CHAP. 418. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO ESTABLISH A RIGHT OF WAY FOR PUBLIC ACCESS TO FOREST LAKE IN THE TOWN OF PALMER AND OF AN AREA FOR THE PARKING OF VEHICLES CONTIGUOUS TO SAID RIGHT OF WAY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to lay out a right of way for public access to Forest lake in the town of Palmer and an area for parking contiguous thereto, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way and parking area. If it is necessary to acquire land for the purpose of laying out such right of way or parking area, said county commissioners shall at the time such right of way or parking area is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way or parking area, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine, provided, that the right to recover damages, if any, by reason of the laying out of such right of way or parking area shall vest upon the re-

ording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The town of Palmer from time to time may make specific repairs on or improve such right of way or parking area to such extent as it may deem necessary, but neither the county of Hampden nor any city or town therein shall be required to keep such right of way or parking area in repair, nor shall it be liable for injury sustained by persons traveling thereon, provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way or parking area shall be borne by the county of Hampden, or by such cities or towns therein, and in such proportions as said county commissioners may determine.

SECTION 4. Said right of way or parking area shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or any local board of health, under any general or special law.

Approved June 24, 1958.

CHAP. 419. AN ACT AUTHORIZING THE ACQUISITION BY BOSTON EDISON COMPANY OF CERTAIN EASEMENTS IN AND OVER LAND OF THE COMMONWEALTH IN THE TOWN OF SUDBURY.

Be it enacted, etc., as follows:

Subject to the approval of the governor and council, the director of the division of fisheries and game, in the name and behalf of the commonwealth, may sell and convey to Boston Edison Company, an electric company organized and existing under the laws of the commonwealth, perpetual rights and easements for the transmission of electric current and for telephone and signal line purposes incidental thereto under, upon and over a strip of land not exceeding two hundred and fifty feet in width, said strip being a portion of the lands situated in the town of Sudbury held for the purposes of the division of fisheries and game, for such price and upon such terms and restrictions as may be agreed upon by said director and said company.

Approved June 24, 1958.

CHAP. 420. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO ESTABLISH A RIGHT OF WAY FOR PUBLIC ACCESS TO MAHKEENAC LAKE, OTHERWISE KNOWN AS STOCKBRIDGE BOWL, IN THE TOWN OF STOCKBRIDGE AND OF AN AREA FOR THE PARKING OF VEHICLES CONTIGUOUS TO SAID RIGHT OF WAY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized to lay out a right of way for public access to Mahkeenac lake, otherwise known as Stockbridge Bowl, in the town of Stockbridge, and an area for parking contiguous thereto, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way and parking area. If it is necessary

to acquire land for the purpose of laying out said right of way or parking area, said county commissioners shall at the time such right of way or parking area is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way or parking area, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way or parking area shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The town of Stockbridge from time to time may make specific repairs on or improve such right of way or parking area to such extent as it may deem necessary, but neither the county of Berkshire nor any city or town therein shall be required to keep said right of way or parking area in repair, nor shall it be liable for injury sustained by persons traveling thereon, provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way or parking area shall be borne by the county of Berkshire or by any cities or towns therein, and in such proportions as said county commissioners may determine.

SECTION 4. Said right of way or parking area shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or any local board of health, under any general or special law.

Approved June 24, 1958.

CHAP. 421. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Medford, hereinafter referred to as the city, a traffic commission to consist of the chief of police or his representative, the public works director, the planning director and two persons to be appointed by the city manager.

SECTION 2. The chief of police shall act as the chairman of said commission and shall be known as the traffic commissioner. The members of the commission shall receive no compensation for their services as commissioners, but all expenses incurred for the purpose of this act shall be paid by the city, but shall not exceed such amounts as may be recommended by the city manager and appropriated by the city council. All statutes and ordinances applicable generally to the departments of the city shall apply to the traffic commission.

SECTION 3. The traffic commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular street traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from all or any streets, ways, highways, roads and parkways under the control

of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties not exceeding fifty dollars for the violation of any rule or regulation adopted hereunder. No such rule or regulation, except such special rule or regulation as is declared by vote of the commission to be urgently required by considerations of public safety or convenience or such as is of a temporary nature and is to be effective for a period of not more than two weeks, shall take effect until published for two successive weeks in one or more newspapers published in the city. Notice of any rule or regulation proposed to be adopted shall be forwarded to the city manager and the planning board at least fourteen days previous to date of adoption. Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the traffic commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the entire membership of said commission. The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five, and to sections eight and nine of said chapter eighty-nine, of the General Laws. Nothing in this act shall be construed to authorize the traffic commission to adopt any rule or regulation excluding trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the metropolitan district commission, of the state department of public works or of the state department of public utilities, or any power now vested in the mayor, city council, or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 4. All existing ordinances and regulations relating to the control of vehicular traffic shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission under this act, and the adoption thereof shall not affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending, at the time of said adoption.

SECTION 5. This act shall take full effect upon its acceptance during the current year, by vote of the city council of said city, subject to the provisions of its charter, and shall remain in effect until its acceptance is revoked as provided in section six.

SECTION 6. At any time after the expiration of one year from the date of acceptance of this act, such acceptance may be revoked by a two-thirds vote of the city council of said city. Upon such revocation all existing rules and regulations of the traffic commission shall remain in full force and effect until superseded by ordinances and regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor such adoption of superseding ordinances or regulations shall affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending, prior to said revocation or said adoption. *Approved June 24, 1958.*

CHAP. 422. AN ACT RELATIVE TO THE PAYMENT OF WITNESS FEES TO CERTAIN POLICE OFFICERS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Chapter 262 of the General Laws is hereby amended by striking out section 53, as most recently amended by section 6 of chapter 48 of the acts of 1958, and inserting in place thereof the following section:—
Section 53. Any police officer, or employee of the registry of motor vehicles having police powers, on duty at night, on vacation, furlough or on a day off, who attends as a witness in a criminal case pending in a district court, including the municipal court of the city of Boston, or in a juvenile court, including Boston juvenile court, shall be allowed a witness fee in the amount of three dollars for each day's attendance, including his first attendance as arresting officer in the case. Any police officer, or employee of the registry of motor vehicles having police powers, on duty at night, vacation, furlough or on a day off, who attends as a witness in a criminal case pending in a district court, including the municipal court of the city of Boston, or in a juvenile court, including Boston juvenile court, and who by reason of a continuance or postponement thereof, is required to again attend, shall be paid the amount of three dollars for each day of such further attendance. Any police officer, or employee of the registry of motor vehicles having police powers, on duty at night, vacation, furlough or on a day off, who attends the superior court as a witness for the commonwealth shall be paid a witness fee in the amount of three dollars for each day's attendance. A police officer who is a witness for the commonwealth, and who under the direction of the district attorney aids in securing the attendance of other witnesses, may receive, instead of his expenses, witness fees in the amount of three dollars for one day's attendance. Police officers shall serve subpoenas upon witnesses when requested by the district attorney, and their returns of service shall have the same force and effect as the return of a deputy sheriff or constable.

Approved June 24, 1958.

CHAP. 423. AN ACT APPROPRIATING FUNDS TO PROVIDE SUITABLE SPACE FOR A FURNITURE INDUSTRY AT THE MASSACHUSETTS CORRECTIONAL INSTITUTION, CONCORD, INCLUDING THE COST AND INSTALLATION OF NECESSARY WOODWORKING EQUIPMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for the emergency provision of suitable space for a furniture industry at the Massachusetts Correctional Institution, Concord, including the cost and installation of necessary woodworking equipment, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Item 8256-99 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five is hereby amended by striking out the wording and inserting in place thereof the following:— For certain improvements to the wall towers and repairs to the prison walls, including the cost of equipment, and to provide

suitable space for a furniture industry, including the cost and installation of necessary woodworking equipment.

SECTION 2. To provide funds for the expenditures at the Massachusetts Correctional Institution, Concord, authorized under item 8256-99 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, as amended by section one of this act, transfers are hereby authorized as designated in the following items:—

8356-39	}	The unexpended balances remaining in items 8356-39 and 8256-98 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, on the effective date of this act, are hereby transferred and made available for the purposes of item 8256-99 of said section two of chapter seven hundred and thirty-eight as amended by section one of this act.
8256-98		
8256-99		

Approved June 27, 1958.

CHAP. 424. AN ACT PROVIDING FOR THE REIMBURSEMENT OF A PRO RATA SHARE OF GROUP INSURANCE DIVIDENDS APPLICABLE TO FEDERAL AND OTHER FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent immediately the possible withholding of federal funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by striking out section 9, as appearing in section 1 of chapter 628 of the acts of 1955, and inserting in place thereof the following section:—

Section 9. Any dividend or other refunds or rate credits shall inure to the benefit of the commonwealth, except as herein provided, and shall be deposited by the commission with the treasurer and receiver-general of the commonwealth, and shall be applied to the over-all cost of such insurance to the commonwealth. Using as a basis of computation the commonwealth's share of the premium cost, the commission shall determine the pro rata share of such dividend or other refunds or rate credits which is applicable to federal or other funds contributed in place of the commonwealth's share of the premium cost. The commission shall also determine in the same manner the pro rata share of the administrative cost to the commonwealth which is applicable to federal or other funds contributed in place of the commonwealth's share of the premium cost. Upon authorization by the commission, the treasurer and receiver-general shall make reimbursement to such funds of the portion calculated on the above formula as is determined applicable thereto. Whenever such pro rata administrative cost exceeds such pro rata dividend or other refunds or rate credits, the commission shall charge those departments and divisions which have federal or other funds allocated to them for this purpose with said excess.

SECTION 2. This act shall take effect as of the effective date of chapter six hundred and twenty-eight of the acts of nineteen hundred and fifty-five,

Approved June 27, 1958.

CHAP. 425. AN ACT AUTHORIZING THE GOVERNOR TO DEAL WITH THE
THREAT OF DANGER BY DROUGHT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain additional authority to deal with threatened disaster, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 5 of chapter 639 of the acts of 1950 is hereby amended by inserting after the word "causes", in line 17, the words: — , or whenever because of absence of rainfall or other cause a condition exists in all or any part of the commonwealth whereby it may reasonably be anticipated that the health, safety or property of the citizens thereof will be endangered because of fire or shortage of water or food, — so as to read as follows: — Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, in order to insure that the preparations of the commonwealth will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, security and safety, and to preserve the lives and property of the people of the commonwealth — if and when the congress of the United States shall declare war, or if and when the President of the United States shall by proclamation or otherwise inform the governor that the peace and security of the commonwealth are endangered by belligerent acts of any enemy of the United States or of the commonwealth or by the imminent threat thereof, or upon the occurrence of any disaster or catastrophe resulting from attack, sabotage or other hostile action or by fire, flood, earthquake or other natural causes, or whenever because of absence of rainfall or other cause a condition exists in all or any part of the commonwealth whereby it may reasonably be anticipated that the health, safety or property of the citizens thereof will be endangered because of fire or shortage of water or food, the governor may issue a proclamation or proclamations setting forth a state of emergency.

SECTION 2. Section 72 of chapter 6 of the General Laws, inserted by section 2 of chapter 511 of the acts of 1951, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Such a certificate of authority shall be granted only after a public hearing by the board, notice of which shall have been given by newspaper publication not less than forty-eight hours in advance, and on at least two different days in the area in or over which such artificial measures are planned to be used; provided, however, the board shall issue such certificate of authority without such hearing, notice or publication to the state director of civil defense upon receipt of a written request therefor from said director.

Approved June 28, 1958.

CHAP. 426. AN ACT AUTHORIZING THE CITY OF PEABODY TO BORROW MONEY FOR REMODELING, RECONSTRUCTING, ENLARGING, MAKING EXTRAORDINARY REPAIRS TO, RE-EQUIPPING AND REFURNISHING THE JOSIAH B. THOMAS HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling, reconstructing, enlarging, making extraordinary repairs to, re-equipping and refurnishing the Josiah B. Thomas Hospital, the city of Peabody may borrow, within a period of two years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, six hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words Peabody Hospital Remodeling Loan, Act of 1958. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitations contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1958.

CHAP. 427. AN ACT AUTHORIZING THE COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF WEYMOUTH TO USE CERTAIN PARK LAND FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The commissioners of public works of the town of Weymouth are hereby authorized to use certain park land in said town for water supply purposes, said land being bounded and described as follows: — A certain portion of Lot 21, Sheet 5, Great Hill Park, bounded on the north by a roadway, on the east by Bradley road, on the south by a stonewall, and on the west by a stonewall, containing approximately forty-six thousand square feet.

SECTION 2. Any action taken by the town of Weymouth at its annual town meeting in the current year pursuant to the authorization contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said annual meeting.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1958.

CHAP. 428. AN ACT AUTHORIZING THE RETIREMENT BOARD OF THE CITY OF MALDEN TO INCREASE THE PENSION PAYABLE TO FRED J. WHELAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the retirement board of the city of Malden is hereby authorized to increase the present retirement allowance being paid to Fred J. Whelan to forty-three hundred and sixty-one dollars and fifty-

two cents yearly, payable in monthly installments of three hundred and sixty-three dollars and forty-six cents.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Malden subject to the provisions of its charter, but not otherwise.

Approved June 28, 1958.

CHAP. 429. AN ACT EXCLUDING CERTAIN HOME OWNERS AS "EMPLOYERS" UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

Paragraph (5) of section 1 of chapter 152 of the General Laws, as most recently amended by chapter 265 of the acts of 1954, is hereby further amended by inserting after the word "chapter", in line 7, the words: — ; provided, however, that the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of a dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or buildings appurtenant thereto shall not because of such employment be deemed to be an employer. *Approved June 28, 1958.*

CHAP. 430. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PERFORM DREDGING AND CERTAIN OTHER WORK TO IMPROVE THE LITTLE RIVER IN THE CITY OF NEWBURYPORT AND THE TOWN OF NEWBURY.

Be it enacted, etc., as follows:

SECTION 1. The department of public works, acting through its division of waterways, is hereby authorized and directed to perform dredging and certain other work to improve the Little river and its several tributaries in the city of Newburyport and the town of Newbury, subject to the provisions of chapter ninety-one of the General Laws.

SECTION 2. For such purposes the said division may expend such sums as may be appropriated therefor.

SECTION 3. Notwithstanding any provision of the law to the contrary, the city of Newburyport is hereby authorized to raise and appropriate municipal funds for dredging and certain other work to improve the Little river in the town of Newbury. *Approved June 28, 1958.*

CHAP. 431. AN ACT AUTHORIZING THE TRUSTEES OF EMMANUEL COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Section 3 of chapter 281 of the acts of 1921 is hereby amended by adding after the word "commonwealth", in line 6, the words: — to an amount not exceeding seven million five hundred thousand dollars, — so that the first sentence will read as follows: — The said corporation may sue and be sued in all actions by the name of The Trustees of Emmanuel College and may take and hold in fee simple or any less estate by gift,

grant, devise, bequest, purchase or otherwise any real or personal estate or interest therein within or without this commonwealth to an amount not exceeding seven million five hundred thousand dollars.

Approved June 28, 1958.

CHAP. 432. AN ACT MAKING THE BRISTOL COUNTY MOSQUITO CONTROL PROJECT APPLICABLE TO ALL CITIES AND TOWNS IN SAID COUNTY, AND RELATING TO THE ASSESSMENTS TO BE LEVIED UPON THEM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 506 of the acts of 1956 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* The area included in the cities and towns comprising the county of Bristol is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Bristol County Mosquito Control Project.

Beginning with the fiscal year commencing on July first, nineteen hundred and fifty-eight, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to fifteen cents on each one thousand dollars of the taxable valuations of the cities and towns of said county, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. Any city or town which becomes a part of the mosquito control project established under section one of chapter five hundred and six of the acts of nineteen hundred and fifty-six, as amended by section one of this act, may withdraw from membership in said project after the expiration of one year; provided, that in a city having a Plan D or Plan E charter the city council so votes prior to the expiration of one year from the effective date of this act, and that in other cities the city council so votes with the approval of the mayor within such time; and provided, further, that in a town said town so votes at a regular or special town meeting held prior to the expiration of one year from the effective date of this act; otherwise, said city or town shall continue as a member of said project.

SECTION 3. Any city having a Plan D or Plan E charter by vote of its city council, and any other city by vote of its city council with the approval of its mayor, and any town by majority vote of the voters at

an annual town meeting, may, after this act has been in effect therein for a period of three years, withdraw from membership in the mosquito control project established under section one of chapter five hundred and six of the acts of nineteen hundred and fifty-six, as amended by section one of this act, and thereupon the provisions of this act shall no longer apply to such city or town.

SECTION 4. This act shall take effect on July first, nineteen hundred and fifty-eight.

Approved June 28, 1958.

CHAP. 433. AN ACT AUTHORIZING THE CITY OF LYNN TO REIMBURSE TASI KURETA FOR CERTAIN EXPENSES INCURRED BY HIM ON ACCOUNT OF INJURIES SUSTAINED BY HIS MINOR DAUGHTER AT CLASSICAL HIGH SCHOOL GYMNASIUM.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Lynn, by its school committee, may include in and pay out of school funds to Tasi Kureta, a sum not to exceed one thousand dollars to reimburse him for expenses for medical care and hospital expenses incurred by him on account of injuries sustained on October twenty-fifth, nineteen hundred and fifty-seven, by his minor daughter, Helen Kureta, in the gymnasium of Classical High School.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, in accordance with the provisions of its charter, but not otherwise.

Approved June 28, 1958.

CHAP. 434. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND FIFTY-NINE, FOR THE MAINTENANCE OF DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS, AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the funds designated in said section, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, nineteen hundred and fifty-nine, in this act referred to as the year nineteen hundred and fifty-nine, or for such period as may be specified.

SECTION 2.

STATE PURPOSES APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Service of the Legislature.

Senate.

Item		
0101-01	For the compensation of senators, prior appropriation continued	\$221,000 00
0101-02	For the salary of the clerk of the senate	12,000 00
0101-03	For the salary of the assistant clerk of the senate	9,500 00
0101-04	For clerical assistance to the clerk of the senate, including not more than two permanent positions	12,480 00
0101-05	For the salary of the chaplain of the senate	3,960 00
0101-06	For personal services of the counsel to the senate and assistants, including not more than four permanent positions	44,640 00
0101-07	For clerical and other assistance including expenses of the senate committee on rules, including not more than seven permanent positions; provided, that notwithstanding any provision of law to the contrary, the present clerk of the senate committee on rules may continue to serve in said office subject to the will of the senate	43,630 00
0101-30	For expenses of senators, including travel, prior appropriation continued	41,000 00
0101-51	For stationery for the senate, purchased by and with the approval of the clerk	600 00
0101-53	For expenses of the counsel to the senate	1,500 00
0101-54	For expenses of the senate clerk's office	200 00
0101-56	For the expenses of the senate committee on ways and means, including not more than three permanent positions, prior appropriation continued	18,000 00
0101-60	For traveling and such other expenses of the committees of the senate as may be authorized by order of the senate	1,000 00
Total		\$409,510 00

House of Representatives.

0102-01	For the compensation of representatives, prior appropriation continued	\$1,263,600 00
0102-02	For the salary of the clerk of the house of representatives	12,000 00
0102-03	For the salary of the assistant clerk of the house of representatives	9,500 00
0102-04	For clerical assistance to the clerk of the house of representatives, including not more than four permanent positions	22,640 00
0102-05	For the salary of the chaplain of the house of representatives	3,960 00
0102-06	For personal services of the counsel to the house of representatives and assistants, including not more than seven permanent positions	85,000 00
0102-07	For clerical and other assistance to the house committee on rules, including not more than twelve permanent positions	64,460 00
0102-08	For clerical and other assistance to the house committee on ways and means, including not more than seven permanent positions, prior appropriation continued	42,600 00
0102-30	For expenses of representatives, including travel, prior appropriation continued	248,000 00
0102-51	For stationery for the house of representatives, purchased by and with the approval of the clerk	1,300 00
0102-52	For expenses of the committee on rules on the part of the house of representatives for the year nineteen hundred and fifty-nine and the previous year	6,000 00
0102-53	For expenses of the counsel to the house of representatives	1,500 00
0102-54	For expenses of the clerk's office, house of representatives	500 00
0102-56	For expenses of the house committee on ways and means, prior appropriation continued	15,000 00

Item		
0102-60	For traveling and such other expenses of the committees of the house of representatives as may be authorized by order of the house of representatives	\$1,000 00
	Total	\$1,776,960 00

Sergeant-at-Arms.

0103-01	For the salary of the sergeant-at-arms	\$8,780 00
0103-02	For clerical and other assistance employed by the sergeant-at-arms, including not more than six permanent positions	33,540 00
0103-03	For the salaries of the doorkeepers of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than two permanent positions	14,640 00
0103-04	For the salaries of assistant doorkeepers of the senate and house of representatives and of general court officers, with the approval of the sergeant-at-arms, including not more than thirty-six permanent positions	193,575 00
0103-05	For compensation of the pages of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than twenty-four permanent positions	57,320 00
0103-06	For the salaries of clerks employed in the legislative document room, including not more than three permanent positions	27,240 00
0103-51	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued	21,200 00
0103-52	For the payment of witness fees to persons summoned to appear before committees of the general court, and for expenses incidental to summoning them, with the approval of the sergeant-at-arms	300 00
	Total	\$356,595 00

Legislative Research Council.

0104-01	For expenses of the legislative research council, prior appropriation continued	\$3,000 00
0104-02	For personal services and other expenses of the legislative research bureau	80,000 00
	Total	\$83,000 00

Recodification Counsel.

0105-01	For the expenses of the counsel for recodification of the General Laws, including not more than two permanent positions; provided, that the president of the senate and the speaker of the house shall each designate an appointee as counsel, prior appropriation continued	\$25,000 00
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Other Expenses.

0110-02	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, prior appropriation continued	\$200,000 00
0110-03	For printing the manual of the general court, with the approval of the clerks of the two branches	17,000 00
0110-04	For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than two permanent positions	50,000 00
0110-05	For telephone service	25,000 00
0110-06	For biographical sketches of certain state and federal officials	6,000 00
0110-10	For the purchase and distribution of an index of laws passed in the current session	950 00

Item		
0110-12	For the emergency services of a physician, for medical supplies in the state house and for expenses including the purchase of equipment in connection therewith, subject to the approval of the joint committee on rules; provided, that section twenty-one of chapter thirty of the General Laws shall not apply to the payments made under this item	\$5,200 00
0110-30	For traveling and such other expenses of joint committees of the general court as may be authorized by joint order of the general court	2,000 00
	Total	\$306,150 00
	Total, Legislative	\$2,957,215 00

Service of the Judiciary.

Supreme Judicial Court.

0301-01	For the salaries of the chief justice and of the six associate justices	\$155,000 00
0301-02	For traveling allowances and expenses	2,700 00
0301-03	For the salary of the clerk for the commonwealth	14,300 00
0301-04	For clerical assistance to the clerk	4,204 00
0301-05	For law clerks and clerical assistance for the justices	65,902 00
0301-06	For office supplies, services and equipment	7,000 00
0301-07	For the salaries of the officers and messengers	6,886 00
0301-08	For the commonwealth's part of the salary of the clerk for the county of Suffolk	1,500 00
0301-10	For facilities provided by the Social Law Library	3,500 00
0301-12	For the service of the executive secretary	33,663 00
0302-01	For the salary of the reporter of decisions	10,000 00
0302-02	For the service of the reporter of decisions, including not more than three permanent positions	18,275 00
	Total	\$322,920 00

Superior Court.

0305-01	For the salaries of the chief justice and of the thirty-one justices	\$609,000 00
0305-02	For traveling allowances and expenses, prior appropriation continued	32,000 00
0305-03	For the salary of the assistant clerk of Suffolk county	1,500 00
0305-04	For expenses authorized by section twenty-eight of chapter two hundred and twelve of the General Laws	29,000 00
0305-11	This item postponed.	
0305-12	This item postponed.	
0305-14	For the compensation of probation officers, including not more than forty permanent positions	286,220 00
0305-15	For personal services and expenses of the office of the supervisor of probation	7,335 00
	Total	\$965,055 00

Judicial Council.

0308-01	For the service of the judicial council	\$8,000 00
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Administrative Committee of District Courts.

0310-01	For the service of the administrative committee of district courts	\$14,000 00
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Administrative Committee of Probate and Insolvency Courts.

Item		
0320-01	For the compensation of judges of probate when acting for other judges of probate	\$5,000 00
0320-02	For expenses of judges of probate when acting for other judges of probate	1,500 00
0320-03	For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by law	500 00
0320-04	For expenses of the administrative committee of probate courts	500 00
Total		\$7,500 00

Probate and Insolvency Courts.

For the salaries of judges of probate, registers of probate, assistant registers and clerical assistance to registers of the several counties:

Barnstable:		
0321-01	Judge of probate	\$11,500 00
0321-02	Register	7,150 00
0321-03	Assistant register	4,950 00
0321-04	Clerical assistance to register, including not more than four permanent positions	12,693 00
Berkshire:		
0322-01	Judge of probate	11,500 00
0322-02	Register	7,700 00
0322-03	Assistant register	5,500 00
0322-04	Clerical assistance to register, including not more than five permanent positions	17,470 00
Bristol:		
0323-01	Two judges of probate	26,000 00
0323-02	Register	9,350 00
0323-03	Two assistant registers	12,650 00
0323-04	Clerical assistance to register, including not more than fourteen permanent positions	49,042 00
Dukes:		
0324-01	Judge of probate	4,500 00
0324-02	Register	4,950 00
0324-04	Clerical assistance to register, including not more than one permanent position	3,146 00
Essex:		
0325-01	Two judges of probate	26,000 00
0325-02	Register	9,900 00
0325-03	Three assistant registers	19,800 00
0325-04	Clerical assistance to register, including not more than sixteen permanent positions	55,930 00
Franklin:		
0326-01	Judge of probate	11,500 00
0326-02	Register	7,150 00
0326-03	Assistant register	4,950 00
0326-04	Clerical assistance to register, including not more than two permanent positions	7,254 00
Hampden:		
0327-01	Two judges of probate	26,000 00
0327-02	Register	9,350 00
0327-03	Three assistant registers	18,150 00
0327-04	Clerical assistance to register, including not more than thirteen permanent positions	47,636 00
Hampshire:		
0328-01	Judge of probate	11,500 00
0328-02	Register	7,150 00
0328-03	Assistant register	4,950 00
0328-04	Clerical assistance to register, including not more than two permanent positions	7,554 00
Middlesex:		
0329-01	Three judges of probate	43,500 00

Item		
0329-02	Register	\$11,550 00
0329-03	Five assistant registers	34,650 00
0329-04	Clerical assistance to register, including not more than forty-three permanent positions	153,746 00
	Nantucket:	
0330-01	Judge of probate	4,500 00
0330-02	Register	4,950 00
0330-04	Clerical assistance to register, including not more than one permanent position	3,146 00
	Norfolk:	
0331-01	Two judges of probate	29,000 00
0331-02	Register	9,900 00
0331-03	Three assistant registers	19,800 00
0331-04	Clerical assistance to register, including not more than fifteen permanent positions	52,768 00
	Plymouth:	
0332-01	Judge of probate	11,500 00
0332-02	Register	7,700 00
0332-03	Assistant register	5,500 00
0332-04	Clerical assistance to register, including not more than eight permanent positions	26,245 00
	Suffolk:	
0333-01	Three judges of probate	45,750 00
0333-02	Register	11,550 00
0333-03	Five assistant registers	34,650 00
0333-04	Clerical assistance to register, including not more than forty-nine permanent positions	173,070 00
	Worcester:	
0334-01	Two judges of probate	26,000 00
0334-02	Register	9,900 00
0334-03	Four assistant registers	25,300 00
0334-04	Clerical assistance to register, including not more than fifteen permanent positions	52,906 00
Total		\$1,260,456 00

Land Court.

0340-01	For the salaries of the judge, associate judges and the recorder, including not more than four permanent positions	\$71,250 00
0340-02	For the service of the land court, including not more than forty-three permanent positions	262,945 00
Total		\$334,195 00

Pensions for Certain Retired Justices.

0345-01	For pensions of retired judges, as authorized by law	\$108,000 00
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District Attorneys.

0350-01	For the salaries of the district attorney and assistants for the Suffolk district, including not more than twenty-six permanent positions	\$173,801 00
0351-01	For the salaries of the district attorney and assistants for the northern district, including not more than twelve permanent positions	82,500 00
0352-01	For the salaries of the district attorney and assistants for the eastern district, including not more than five permanent positions	27,300 00
0354-01	For the salaries of the district attorney and assistants for the southern district, including not more than four permanent positions	25,900 00
0355-01	For the salaries of the district attorney and assistants for the middle district, including not more than five permanent positions	26,200 00
0356-01	For the salaries of the district attorney and assistants for the western district, including not more than four permanent positions	20,400 00

Item		
0357-01	For the salaries of the district attorney and assistant for the north-western district, including not more than two permanent positions	\$10,100 00
0358-01	For the salaries of the district attorney and assistants for the Norfolk district, including not more than four permanent positions	19,800 00
0359-01	For the salaries of the district attorney and assistants for the Plymouth district, including not more than four permanent positions	19,300 00
0365-01	For traveling expenses necessarily incurred by the district attorneys, except in the Suffolk district, including expenses incurred in previous years	8,000 00
Total		\$413,301 00

Board of Probation.

0370-01	For the office of the commissioner of probation, including not more than fifty permanent positions	\$236,245 00
0370-02	For compensation and expenses of the members of the committee on probation, as authorized by section ninety-nine A of chapter two hundred and seventy-six of the General Laws	1,700 00
Total		\$237,945 00

Board of Bar Examiners.

0380-01	For the service of the board, including not more than six permanent positions	\$37,420 00
Total, Judiciary		\$3,708,792 00

Service of the Executive Department.

Governor.

0401-01	For the salary of the governor	\$20,000 00
0401-02	For the salaries of officers and employees in the governor's office	140,000 00
0401-03	For postage, printing, office and other contingent expenses, including travel, of the governor	40,000 00
0401-04	For maintenance expenses of the governor's automobile	1,300 00
Total		\$201,300 00

Lieutenant-Governor.

0402-01	For the salary of the lieutenant-governor	\$11,000 00
0402-02	For personal services for the lieutenant-governor's office	18,400 00
Total		\$29,400 00

Governor's Council.

0403-01	For the salaries of the eight councilors	\$24,000 00
0403-02	For personal services for the council	32,390 00
0403-03	For postage, printing, stationery, traveling and contingent expenses of the governor and council	14,000 00
0403-05	For travel and expenses of the lieutenant-governor and council from and to their homes.	4,000 00
Total		\$74,390 00

Extraordinary Expenses.

0405-01	For the cost, not to exceed fifteen thousand dollars, of entertainment of distinguished visitors to the commonwealth, provided that no expenditure shall be allowed for a party exceeding fifty visitors; for the pay-	
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Item

ment of extraordinary expenses not otherwise provided for; and for transfers to appropriation accounts where the amounts otherwise available are insufficient, provided that requests for such transfers shall be referred to the commission on administration and finance which, after investigation, shall submit for the approval of the governor and council its written recommendation as to the amount of funds required, with facts pertinent thereto \$100,000 00

Civil Defense Agency.

- 0406-01 For the service of the civil defense agency, as authorized by chapter six hundred and thirty-nine of the acts of nineteen hundred and fifty, as amended, and chapter five hundred and twenty-two of the acts of nineteen hundred and fifty-one, prior appropriation continued \$551,740 00
- 0406-07 } From the unexpended balance remaining in item 0406-07 of section two A
0406-05 } of chapter three hundred and forty-two of the acts of the current year, the sum of fifty thousand dollars is hereby transferred and made available for the purposes of the following item:
- 0406-05 For training and training supplies; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts expended for the purposes of this item.
- 0406-10 This item included in item 0406-01

Total \$551,740 00

Total, Executive Department \$956,830 00

Service of the Military Division.*Adjutant General.*

- 0420-01 For the salary of the adjutant general \$12,917 00
- 0420-02 For the office of the adjutant general, including not more than thirty-eight permanent positions. 184,104 00
- Militia:
- 0421-01 For allowances to companies and other administrative units, to be expended under the direction of the adjutant general 200,000 00
- 0421-02 For officers' uniform allowances, as authorized by paragraph (c) of section one hundred and twenty of chapter thirty-three of the General Laws 76,000 00
- 0421-05 For certain camps of instruction 66,174 00
- 0421-07 For transportation of officers and noncommissioned officers to and from military meetings and regimental and battalion drills 3,000 00
- 0421-13 For compensation for special and miscellaneous duty, including not more than seven permanent positions, and for expenses of operation of the twenty-sixth division 41,238 00
- 0421-14 For compensation for accidents and injuries sustained in the performance of military duty 3,000 00
- 0421-15 To cover certain small claims for damages to private property arising from military maneuvers 2,000 00
- 0421-17 For the military reservation, located in Barnstable county, including compensation of the commissioner 1,045 00
- 0421-21 For the service of the air national guard, including not more than one permanent position 9,951 00
- 0421-60 For the operation of the war records project, so-called, including not more than eight permanent positions 27,589 00
- 0421-61 For expenses of the United Spanish War veterans, as authorized by section sixteen of chapter thirty-three of the General Laws 1,500 00

Total \$628,518 00

State Quartermaster.

Item		
0423-01	For the office of the state quartermaster	\$3,650 00
0423-02	For the operation of armories of the first class, including not more than ninety permanent positions	605,497 00
0423-24	Repairs Fall River National Guard Armory, prior appropriation continued.	
Militia:		
0424-01	For reimbursement for rent and maintenance of armories not of the first class	27,620 00
0424-02	For the Camp Curtis Guild rifle range, including not more than seven permanent positions.	29,821 00
0424-05	For certain storage and maintenance facilities, including not more than twenty-eight permanent positions	102,660 00
0424-08	For certain national guard aviation facilities, including not more than nine permanent positions	35,350 00
Total		\$804,598 00

Armory Commission.

0428-01	For compensation of one member and for expenses of the armory commission	\$200 00
Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so called.		
Total, Military Division		\$1,433,316 00

Boards and Commissions serving under Governor and Council.

Commission on Administration and Finance.

0440-31	For personnel appeal boards, as authorized by sections fifty-three to fifty-seven, inclusive, of chapter thirty of the General Laws.	\$100 00
0440-32	For awards to state employees to be granted as provided by chapter five hundred and four of the acts of nineteen hundred and fifty-three, prior appropriation continued	1,000 00
0441-01	For the office of the commissioner of administration, including not more than sixteen permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of sixty-seven thousand and ninety dollars from the Highway Fund	248,932 00
0441-03	For telephone service in the state house, prior appropriation continued	150,000 00
0441-04	For the personal expenses of the governor while living in the vicinity of Boston, with the approval of the commissioner of administration	10,000 00
0442-01	For the bureau of the comptroller including not more than one hundred and seventeen permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and seventy-five thousand three hundred and one dollars from the Highway Fund	584,335 00
0443-01	For the bureau of the budget commissioner, including not more than fourteen permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of twenty-seven thousand nine hundred and forty-two dollars from the Highway Fund	93,140 00
0444-01	For the bureau of the purchasing agent, including not more than seventy-two permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of ninety-nine thousand nine hundred and seventy-four dollars from the Highway Fund	333,246 00
0444-02	For the purchase of paper used in the execution of the contracts for state printing, other than legislative	100,000 00
0444-03	This item postponed.	

Item	
0445-01	For the division of personnel and standardization, including not more than sixty-five permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and fourteen thousand one hundred and seven dollars from the Highway Fund \$380,358 00
0446-01	For the division of building construction, including not more than forty permanent positions. 329,343 00
0447-01	For the division of hospital costs and finances, including not more than three permanent positions. 42,190 00
0448-01	For administration of the state employees' group insurance, including not more than eleven permanent positions. 94,584 00
0448-02	For the commonwealth's share of the state employees' group insurance; provided, that the employees' group insurance commission shall charge the division of employment security and other departments and divisions which have federal funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund, prior appropriation continued 2,325,000 00
Total \$4,692,228 00	

State Superintendent of Buildings.

0450-01	For the office of the superintendent of buildings and for the maintenance of the state house and Ford building, including not more than one hundred and sixty-nine permanent positions \$866,694 00
0450-24	This item postponed.
0450-25	This item postponed.
0450-27	This item postponed.
Total \$866,694 00	

Commissioners on Uniform State Laws.

0457-01	For the expenses of the commissioners \$2,750 00
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State Library.

0459-01	For the service of the state library, including not more than thirty-one permanent positions \$154,480 00
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Art Commission.

0460-01	For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws \$250 00
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Ballot Law Commission.

0461-01	For compensation and expenses of the commissioners, including not more than three permanent positions \$3,117 00
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Massachusetts Commission Against Discrimination.

0162-01	For the service of the Massachusetts Commission Against Discrimination including not more than fourteen permanent positions \$82,659 00
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State Racing Commission.

0463-01	For the service of the commission, including not more than eleven permanent positions; provided, that fees paid to veterinarians for services in connection with horse racing shall not exceed twenty-five dollars per diem, and in connection with dog racing, shall not exceed twenty dollars per diem \$152,749 00
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Council for the Aging.

Item		
0465-01	For expenses of the council for the aging	\$15,390 00

Mount Greylock Reservation Commission.

0466-01	For the maintenance of the Mount Greylock war memorial	\$1,327 00
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Old State House.

0467-01	For the contribution of the commonwealth toward the maintenance of the old provincial state house	\$1,500 00
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Alcoholic Beverages Control Commission.

0469-01	For the service of the commission, including not more than sixty-five permanent positions	\$413,683 00
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Contributory Retirement Appeal Board.

0471-01	For the service of the contributory retirement appeal board	\$100 00
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New England Board of Higher Education.

0476-01	For expenses of the New England Board of Higher Education, as authorized by chapter five hundred and eighty-nine of the acts of nineteen hundred and fifty-four, and for compensation and expenses of the commissioners, as provided by section four of said chapter	\$23,659 00
0476-02	For payments to medical or dental schools on acceptance of certain Massachusetts students, as authorized by the New England Board of Higher Education, prior appropriation continued.	

Finance Advisory Board.

0477-01	For expenses of the board	\$100 00
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Medical, Dental and Nursing Scholarship Board.

0479-01	For expenses of the board, as authorized by section one hundred of chapter six of the General Laws, prior appropriation continued.	
0479-02	For scholarships, as authorized by section one hundred of chapter six of the General Laws, prior appropriation continued.	

Soldiers' Home in Massachusetts.

0481-01	For the maintenance of the Soldiers' Home in Massachusetts, including not more than five hundred and seventy-two permanent positions	\$2,976,005 00
0481-21	This item postponed.	

Soldiers' Home in Holyoke.

0482-01	For the maintenance of the Soldiers' Home in Holyoke, including not more than two hundred and eight permanent positions	\$1,093,914 00
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State Housing Board.

0483-01	For the service of the board, including not more than thirteen permanent positions; provided, that the compensation and expenses for legal services payable from this item shall be limited to ten thousand dollars and shall be by direction and under the control of the attorney general	\$319,279 00
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Veterans' Bonus Commission.

Item		
0484-01	For personal services and other expenses of the commission in connection with the payment of the veterans' bonus, so-called, as authorized by chapter four hundred and forty of the acts of nineteen hundred and fifty-three; provided, that requisitions for persons to be employed under the provisions of this item shall be issued under the provisions of chapter thirty for periods not to exceed six months and may from time to time be renewed for like periods	\$44,790 00

Commissioner of Veterans' Services.

0485-01	For personal services of the commissioner and deputies, including not more than three permanent positions	\$26,250 00
0485-02	For the office of the commissioner, including not more than eighty-three permanent positions	424,863 00
0485-03	For the payment of annuities to certain disabled veterans, as authorized by sections six A to six C, inclusive, of chapter one hundred and fifteen of the General Laws, as amended, prior appropriation continued	102,500 00
Total		\$553,613 00

Massachusetts Aeronautics Commission.

0490-01	For the compensation and expenses of members of the Massachusetts aeronautics commission, including not more than five permanent positions	\$6,800 00
0490-02	For the service of the Massachusetts aeronautics commission, including not more than nine permanent positions	64,959 00
Total		\$71,759 00

Massachusetts Rehabilitation Commission.

0497-01	For the service of the commission, including not more than one permanent position, prior appropriation continued	\$500,000 00
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Massachusetts Commission on Atomic Energy.

0498-01	For the service of the commission	\$10,175 00
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Commissioner on Alcoholism.

0499-01	For the service of the office of the commissioner on alcoholism, including not more than three permanent positions	\$54,337 00
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Total, Boards and Commissions serving under Governor and Council \$12,041,618 00

Service of the Secretary of the Commonwealth.

0501-01	For the salary of the secretary	\$11,000 00
0501-02	For the office of the secretary, including not more than seventy-seven permanent positions	379,360 00
0502-01	For the purchase of certain supplies, equipment and repairs necessary in connection with the reproduction of the manuscript collection designated "Massachusetts Archives", and for the furnishing of photostatic copies of corporation papers, election papers and acts and resolves	7,000 00
0502-02	For the purchase and distribution of copies of certain journals of the house of representatives of Massachusetts Bay from seventeen hundred and fifteen to seventeen hundred and eighty, inclusive, as authorized by chapter four hundred and thirteen of the acts of nineteen hundred and twenty, as amended	2,250 00

Total \$399,610 00

Printing Laws, etc.

Item		
0503-01	For printing and distributing the pamphlet edition and for printing and binding the blue book edition of the acts and resolves of the year nineteen hundred and fifty-nine, prior appropriation continued	\$37,000 00
0503-02	For the printing of reports of decisions of the supreme judicial court, prior appropriation continued	25,000 00
0503-03	For printing and binding public documents, prior appropriation continued	9,000 00
	Total	\$71,000 00

Matters Relating to Elections.

0504-01	For preparing, printing and distributing ballots, and other miscellaneous expenses for primary and other elections, including not more than five permanent positions, prior appropriation continued	\$232,905 00
0504-04	For expenses of publication of lists of candidates and forms of questions before state elections	22,000 00
0504-07	For expenses of compiling and publishing information to voters, as required by section fifty-three of chapter fifty-four of the General Laws	123,900 00
	Total	\$378,805 00

Medical Examiners.

0505-01	For medical examiners' fees	\$1,500 00
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Commission on Interstate Co-operation.

0506-01	For the service of the commission, including not more than two permanent positions	\$32,393 00
	Total, Department of the Secretary of the Commonwealth	\$883,308 00

Service of the Treasurer and Receiver-General.

0601-01	For the salary of the treasurer and receiver-general	\$11,000 00
0601-02	For the office of the treasurer and receiver-general, including not more than fifty-eight permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and thirty-eight thousand dollars from the Highway Fund	419,322 00
	Total	\$430,322 00

Commissioners on Firemen's Relief.

0602-01	For expenses of administration and for relief disbursed by the commissioners on firemen's relief	\$15,250 00
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State Board of Retirement.

0604-01	For the administrative office of the board, including not more than twenty permanent positions	\$95,580 00
0604-03	For the payment of the commonwealth's share in financing the state employees' retirement system, as provided by chapter thirty-two of the General Laws, prior appropriation continued; provided, that the comptroller shall transfer to the General Fund the sum of seven hundred and ninety thousand dollars from the Highway Fund and the sum of twenty-five thousand dollars from the Inland Fisheries and Game Fund; and, provided further, that amounts of reimbursements received from the metropolitan district commission, in accordance with the provisions of section nine A of chapter twenty-nine of the General Laws	

Item		
	and from the federal government on account of the retirement of employees of the division of employment security and the department of public health are to be in addition to this item and to be available for expenditure without further appropriation	<u>\$5,250,000 00</u>
	Total	<u>\$5,345,580 00</u>
<i>Emergency Finance Board.</i>		
0605-01	For administrative expenses of the board, including not more than one permanent position	<u>\$21,187 00</u>
<i>World War and Spanish-American War Service.</i>		
0606-01	For making payments to soldiers in recognition of service during World War I and the Spanish War, as provided by law	<u>\$750 00</u>
0607-01	This item omitted.	
	Total	<u>\$750 00</u>
Total, Department of the Treasurer and Receiver-General		<u><u>\$5,813,039 00</u></u>

Service of the Auditor of the Commonwealth.

0701-01	For the salary of the auditor	<u>\$11,000 00</u>
0701-02	For the office of the auditor, including not more than forty-two permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of ninety-three thousand nine hundred and four dollars from the Highway Fund	<u>313,013 00</u>
0701-23	For an audit of the accounts of the Metropolitan Transit Authority	<u>29,294 00</u>
0701-24	For the expense of an audit of the books of the New Bedford, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, to be reimbursed by said authority as provided by law	<u>3,160 00</u>
0701-25	For an audit of certain housing authorities, as authorized by section twenty-six NN of chapter one hundred and twenty-one of the General Laws	<u>88,322 00</u>
Total, Department of the Auditor		<u><u>\$444,789 00</u></u>

Service of the Department of the Attorney General.

0801-01	For the salary of the attorney general	<u>\$15,000 00</u>
0801-02	For the office of the attorney general, including not more than forty-one permanent positions	<u>321,913 00</u>
0801-03	For the cost of providing certain legal assistance for the benefit of veterans, their wives and dependents	<u>18,600 00</u>
0802-01	For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employees; provided, that the comptroller shall transfer to the General Fund from the appropriate funds sums equal to the payments made under this item for claims against agencies whose appropriations are derived from other funds	<u>60,000 00</u>
0802-02	For the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws	<u>10,000 00</u>
Total, Department of the Attorney General		<u><u>\$425,513 00</u></u>

Service of the Department of Agriculture.

0901-01	For the salary of the commissioner	<u>\$10,000 00</u>
0901-02	For the office of the commissioner, including not more than thirty-three permanent positions	<u>196,986 00</u>
0901-11	For expenses of the board of agriculture	<u>500 00</u>

Item		
0901-21	For apiary inspection, including not more than one permanent position, and for the reimbursement of owners of diseased bees as provided in section thirty-four of chapter one hundred and twenty-eight of the General Laws	\$7,191 00
0901-22	For a program of soil conservation, as authorized by chapter one hundred and twenty-eight B of the General Laws	1,835 00
	Total	\$216,512 00

Division of Dairying and Animal Husbandry.

0905-01	For the service of the division, including not more than five permanent positions	\$29,920 00
0905-03	For administering the law relative to inspection of barns and dairies by the department of agriculture, including not more than fifteen permanent positions	87,918 00
0905-04	For matching certain Federal funds allocated to the department for a program of quality improvement of dairy products, prior appropriation continued	4,350 00
	Total	\$122,188 00

Milk Control Commission.

0906-01	For the service of the commission, including not more than thirty-four permanent positions	\$194,884 00
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Division of Livestock Disease Control.

0907-01	For the office of the director, including not more than twenty-eight permanent positions and not more than one permanent intermittent position	\$238,359 00
0907-06	For reimbursement of owners of horses killed during the year nineteen hundred and fifty-nine and previous years, travel, when allowed, of inspectors of animals, incidental expenses of killing and burial, quarantine and emergency services, and for laboratory and veterinary supplies and equipment	3,350 00
0907-07	For reimbursement of owners of tubercular cattle killed, as authorized by section twelve A of chapter one hundred and twenty-nine of the General Laws and in accordance with certain provisions of law and agreements made under authority of section thirty-three of said chapter one hundred and twenty-nine, prior appropriation continued	6,000 00
0907-08	For the reimbursement of owners of certain brucellosis cattle killed, as authorized by section thirty-six G of chapter one hundred and twenty-nine of the General Laws, prior appropriation continued	20,000 00
	Total	\$267,709 00

Division of Markets.

0908-01	For the service of the division, including not more than eleven permanent positions	\$109,250 00
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Division of Plant Pest Control and Fairs.

0909-01	For the service of the division, including not more than four permanent positions	\$28,732 00
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State Reclamation Board.

0910-01	For the service of the board, including not more than four permanent positions	\$23,337 00
0910-21	For the control of the greenhead fly, as authorized by section twenty-four of chapter two hundred and fifty-two of the General Laws	6,500 00
0910-22	This item included in item 0910-21.	

Total \$29,837 00

Total, Department of Agriculture \$969,112 00

Service of the Department of Natural Resources.

Item		
1001-01	For the salary of the commissioner	\$10,000 00
1001-02	For the office of the commissioner, including not more than thirty-four permanent positions	168,147 00
1001-04	For the expenses of the natural resources board	500 00
Total		\$178,647 00

Division of Forests and Parks.

1002-01	For the office of the director, including not more than five permanent positions	\$26,654 00
1002-12	For the service of the state fire warden, including not more than twenty-two permanent positions, and for expenses of the Northeastern Forest Fire Protection Commission, as authorized by chapter four hundred and fifty-seven of the acts of nineteen hundred and forty-nine, and for compensation of commissioners, as provided by section four of said chapter	376,577 00
1002-14	For the expenses of forest fire patrol, as authorized by section twenty-eight A of chapter forty-eight of the General Laws	58,265 00
1002-21	For the development of forests, including not more than thirty-eight permanent positions	209,791 00
1002-26	For certain farm forestry projects in co-operation with the United States Forest Service and the county of Berkshire, including not more than one permanent position; provided, that no expenditure shall be made under this item until the county of Berkshire shall have deposited the sum of one thousand six hundred and sixty-four dollars in the state treasury for this project	6,655 00
1002-27	For certain farm forestry projects in co-operation with the United States Forest Service and the county of Essex, including not more than one permanent position; provided, that no expenditure shall be made under this item until the county of Essex shall have deposited the sum of one thousand five hundred and thirty-seven dollars in the state treasury for this project	6,148 00
1002-31	For the suppression of insect pests and shade tree diseases, including gypsy and brown tail moths and Japanese beetles under any general or special law, and including not more than eighteen permanent positions; provided, that notwithstanding the provisions of section two of chapter twenty-nine of the General Laws, as amended, assessments received from cities and towns in the fiscal year nineteen hundred and fifty-seven and thereafter representing their portion of the cost of gypsy moth program established under chapter one hundred and forty-eight of the acts of nineteen hundred and fifty-four as amended shall be applied to the amortization of the authorization of notes under section four of said chapter one hundred and forty-eight as amended, provided, however, that when this has been accomplished, said assessments shall be credited to the General Fund; and, provided further, that from the beginning of the aforesaid program to its completion all charges shall be apportioned equally between item 1002-31 and sums made available by section two of chapter one hundred and forty-eight of the acts of nineteen hundred and fifty-four, prior appropriation continued	104,403 00
Total		\$788,493 00

Division of Law Enforcement.

1003-01	For the office of the director, including not more than five permanent positions	\$23,950 00
1003-02	For the administration and enforcement of laws relative to shellfish and other marine fisheries, and for regulating the sale and cold storage of fresh food fish, including not more than twenty-eight permanent positions	195,704 00
1003-03	For conservation officers, including not more than thirty-nine permanent positions; provided, that the comptroller shall transfer to the General Fund a sum equal to fifty per cent of the payments made under this	

Item		
	item from the Inland Fisheries and Game Fund, as provided by section three A of chapter one hundred and thirty-one of the General Laws	\$236,099 00
	Total	\$455,753 00
<i>Division of Marine Fisheries.</i>		
1004-70	For the service of the office of the director, including not more than eighteen permanent positions, and for the administration of the activities provided for under item 2610-04; provided, that a sum not exceeding ten thousand dollars may be expended from this item for an educational program in regard to handling fish aboard vessels contingent upon receiving a subsidy equal to the expenditures from the federal government for the purpose	\$110,777 00
1004-93	For experimental work with and consultant services of the Woods Hole Oceanographic Institute for the purpose of increasing the supply of shellfish in the commonwealth	20,000 00
	Total	\$130,777 00
<i>Division of Water Resources.</i>		
1010-01	For the service of the division, including not more than four permanent positions	\$69,500 00
1010-23	This item postponed.	
	Total	\$69,500 00
Total, Department of Natural Resources		\$1,623,170 00

Service of the Department of Banking and Insurance.

<i>Division of Banks.</i>		
1101-01	For the salary of the commissioner	\$12,500 00
1101-02	For the office of the commissioner, including not more than one hundred and sixty-five permanent positions	1,005,170 00
1102-01	For the office of the supervisor of loan agencies, including not more than eleven permanent positions	88,268 00
	Total	\$1,105,938 00
<i>Division of Insurance.</i>		
1103-01	For the salary of the commissioner	\$12,500 00
1103-02	For the service of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, and including not more than two hundred and forty-five permanent positions; provided, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws; and, provided further, that the comptroller shall transfer to the General Fund the sum of two hundred and fifty-nine thousand six hundred and forty dollars from the Highway Fund	1,298,202 00
	Total	\$1,310,702 00
<i>Division of Savings Bank Life Insurance.</i>		
1105-01	For the service of the division, including not more than twenty-eight permanent positions	\$125,939 00
Total, Department of Banking and Insurance		\$2,542,579 00

Service of the Department of Corporations and Taxation.

Item		
1201-01	For the salary of the commissioner and associate commissioners	\$43,000 00
1201-02	For personal services of the department except as otherwise provided, including not more than seven hundred and fifteen permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and sixty-three thousand one hundred and ninety-five dollars from the Highway Fund and the sum of two million one hundred and twenty-one thousand five hundred and thirty-three dollars from the receipts of the income tax	3,263,897 00
1201-03	For expenses of the department except as otherwise provided for; provided, that the comptroller shall transfer to the General Fund the sum of forty-one thousand six hundred and sixty dollars from the Highway Fund	208,300 00
1202-02	For expenses of the income tax division; provided, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax	620,200 00
Total		\$4,135,397 00

Division of Accounts.

1203-01	For the service of the division, including not more than one hundred and thirty-one permanent positions, partly chargeable to item 1203-11	\$703,338 00
1203-11	For expenses of auditing and installing systems of municipal accounts, the cost of which is to be assessed upon the municipalities for which the work is done	78,500 00
1203-12	For the expenses of certain books, forms and other material which may be sold to cities and towns requiring the same for maintaining their system of accounts	55,000 00
1203-21	For the service of the county personnel board, including not more than six permanent positions	18,390 00
Total		\$855,228 00

Appellate Tax Board.

1204-01	For the service of the board, including not more than twenty-nine permanent positions	\$211,105 00
Total, Department of Corporations and Taxation		\$5,201,730 00

Service of the Department of Education.

1301-01	For the salary of the commissioner	\$14,000 00
1301-02	For the office of the commissioner, including not more than eighty-four permanent positions	492,581 00
1301-03	For extension courses in the methods used in the art of teaching and related subjects and for the summer school at Hyannis or elsewhere, to be conducted by the division of teachers colleges, for graduates of teachers colleges or for such students or graduates of other colleges as may be approved by the state board of education; provided, that such courses may be furnished free of charge to veterans, as authorized in sections seven and seven A of chapter sixty-nine of the General Laws; and, provided further, that the division may, in addition to the sums appropriated for the purpose in this item, expend from the receipts, without appropriation, income derived from such courses as may be conducted at no net expense to the commonwealth to an amount not exceeding two hundred and ten thousand dollars with the approval of the state board of education	14,800 00
1301-06	For printing school registers and other school blanks for cities and towns	5,000 00
1301-07	For expenses of holding teachers' institutes	925 00

Item		
1301-08	For aid to certain pupils in state teachers' colleges, under the direction of the department of education	\$4,000 00
1301-10	For the service of the state building on Newbury Street, Boston, including not more than five permanent positions	37,582 00
1301-20	For the Board of Education, including not more than two permanent positions	10,401 00
1301-25	For expenses of the board of collegiate authority	400 00
1301-29	For a program of sight saving classes	5,000 00
1301-32	For assistance to children of certain war veterans, prior appropriation continued, as authorized by section seven B of chapter sixty-nine of the General Laws and corresponding provisions of earlier laws	60,000 00
1301-33	For certain educational services to certain war veterans	62,522 00
1302-01	This item included in item 1301-03.	
Total		\$707,211 00

School Lunch and Commodity Distribution Program.

1305-01	For the administration of the program, including not more than twenty-seven permanent positions	\$139,495 00
1305-05	For partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and if necessary for supplementing federal funds allocated for the special milk program; provided, that notwithstanding any provisions of law to the contrary, payments so authorized to be paid from state funds shall not exceed fifty per cent of the total reimbursement authorized by the national school lunch act; and, provided further, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax, prior appropriation continued	175,000 00
Total		\$314,495 00

Division of Vocational Education.

1307-01	For the training of teachers for vocational schools, to comply with the requirement of federal authorities under the provisions of the Smith-Hughes act, so-called, including not more than thirty-two permanent positions; provided, that such courses may be furnished free of charge to veterans, as authorized in sections seven and seven A of chapter sixty-nine of the General Laws	\$119,350 00
1307-02	For personal services of the surplus property agency, including not more than three permanent positions; provided, that a sum equivalent to the expenditures made under this item shall be transferred to the General Fund from the receipts of the surplus property agency, established by section fifty-five of chapter seventy-four of the General Laws	18,070 00
Total		\$137,420 00

Education of Deaf and Blind Pupils.

1311-01	For education of deaf and blind pupils of the commonwealth, as provided by section twenty-six of chapter sixty-nine of the General Laws, prior appropriation continued	\$1,500,000 00
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Division of University Extension

1313-01	For the university extension courses, including not more than forty-six permanent positions; provided, that the division may, in addition to the sums appropriated for the purpose in this item, expend from the receipts, without appropriation, income derived from such courses as may be conducted at no net expense to the commonwealth to an amount not exceeding two hundred thousand dollars with the approval of the state board of education	\$253,584 00
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Division of Immigration and Americanization.

Item		
1315-01	For the service of the division, including not more than nineteen permanent positions	\$93,589 00

Division of Public Libraries.

1316-01	For the service of the division, including not more than twenty-five permanent positions	\$130,829 00
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Division of the Blind.

1317-01	For general administration and for instruction of the adult blind in their homes, including not more than sixty-eight permanent positions	\$352,881 00
1317-08	For aiding the adult blind, subject to the conditions provided by law, including the cost of certain medical assistance and supplies, prior appropriation continued	1,720,000 00
1317-10	For expenses of administering and operating the service of piano tuning under section twenty-five of chapter sixty-nine of the General Laws	21,000 00
1317-11	For the operation of local shops, including not more than eleven permanent positions	168,532 00
1317-13	For the operation of the Woolson House industries, including not more than three permanent positions	101,646 00
1317-15	For the operation of the salesroom and other expenses in connection with the sale of materials made by blind persons, including not more than four permanent positions	45,060 00
1317-16	For the operation of certain industries for men, including not more than nine permanent positions	369,244 00
1317-17	For the operation of a workshop for the blind in the city of Springfield, as authorized by chapter six hundred and sixty-six of the acts of nineteen hundred and fifty-one, including not more than three permanent positions	68,466 00
1317-18	For certain payments to blind persons, as authorized by chapter six hundred and sixty-nine of the acts of nineteen hundred and fifty-seven	40,000 00
1317-28	For the promotion of vocational rehabilitation of the blind in co-operation with the federal government, prior appropriation continued	69,100 00
Total		\$2,955,929 00

Teachers' Retirement Board.

1319-01	For the service of the board, including not more than thirty permanent positions	\$139,983 00
1319-08	For the payment of the commonwealth's share in financing the teachers' retirement system, as provided by chapter thirty-two of the General Laws as amended, prior appropriation continued	10,000,000 00
Total		\$10,139,983 00

Massachusetts Maritime Academy.

1327-01	For administration, including not more than two permanent positions	\$10,786 00
1327-10	For maintenance of the academy and ship, including not more than forty-nine permanent positions, with the approval of the commissioner of education	412,923 00
Total		\$423,709 00

For the maintenance of and for certain improvements at the following state teachers' colleges, and the boarding halls attached thereto, with the approval of the commissioner of education:

1330-01	State teachers' college at Bridgewater, including not more than one hundred and nine permanent positions	\$716,692 00
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Item		
1330-21	State teachers' college at Bridgewater, boarding hall, including not more than thirty-seven permanent positions	\$198,510 00
1331-01	State teachers' college at Fitchburg, including not more than ninety permanent positions	595,660 00
1331-10	For scholarships, as authorized by section seven C of chapter sixty-nine of the General Laws	5,000 00
1331-21	State teachers' college at Fitchburg, boarding hall, including not more than eleven permanent positions	105,828 00
1332-01	State teachers' college at Framingham, including not more than eighty-nine permanent positions	460,350 00
1332-21	State teachers' college at Framingham, boarding hall, including not more than thirty permanent positions	170,300 00
1333-01	State teachers' college at Lowell, including not more than sixty-eight permanent positions	349,815 00
1333-21	State teachers' college at Lowell, boarding hall	10,806 00
1334-01	State teachers' college at North Adams, including not more than thirty-eight permanent positions	187,963 00
1334-21	State teachers' college at North Adams, boarding hall, including not more than seven permanent positions	37,950 00
1335-01	State teachers' college at Salem, including not more than eighty-one permanent positions	465,600 00
1336-01	State teachers' college at Westfield, including not more than sixty-two permanent positions	339,300 00
1336-21	State teachers' college at Westfield, boarding hall, including not more than seven permanent positions	22,200 00
1337-01	State teachers' college at Worcester, including not more than sixty-six permanent positions	392,350 00
1338-01	State teachers' college at Boston, including not more than one hundred and nine permanent positions	725,300 00
1339-01	Massachusetts school of art, including not more than forty-three permanent positions	290,580 00
Total		\$5,074,204 00

For the maintenance of and for certain improvements at the following institutes, with the approval of the commissioner of education and the trustees thereof:

1340-01	Bradford Durfee College of Technology, including not more than fifty-four permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of Fall River as a part of the charges to be paid by said city to the commonwealth in the calendar year nineteen hundred and fifty-eight	\$356,750 00
1342-01	New Bedford Institute of Technology, including not more than forty-nine permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of New Bedford as a part of the charges to be paid by said city to the commonwealth in the calendar year nineteen hundred and fifty-eight	402,430 00
Total		\$759,180 00

Lowell Technological Institute of Massachusetts.

1345-01	For the maintenance of the Lowell Technological Institute of Massachusetts, with the approval of the trustees, including not more than one hundred and eighty-one permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of Lowell as a part of the charges to be paid by said city to the commonwealth in the calendar year nineteen hundred and fifty-eight; provided, that said institute is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the institute may receive and expend income derived therefrom	\$1,306,058 00
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Item		
1345-42	For certain scholarships at the Lowell Technological Institute of Massachusetts, as authorized by section seventeen of chapter seventy-five A of the General Laws	\$10,000 00
1345-43	This item postponed.	
1345-47	This item included in item 1345-01.	
1345-48	This item postponed.	
Total		<u>\$1,316,058 00</u>

University of Massachusetts.

1350-01	For the maintenance of the University of Massachusetts, with the approval of the trustees, including not more than one thousand one hundred and twenty-six permanent positions	\$3,278,902 00
1350-21	For expenses in connection with research projects for which the commonwealth will be fully reimbursed by the federal government, with the approval of the commission on administration and finance, prior appropriation continued	50,000 00
1350-22	This item postponed.	
1350-24	This item postponed.	
1350-96	For certain scholarships at the University of Massachusetts, as authorized by section thirty-one of chapter seventy-five of the General Laws	25,000 00
Total		<u>\$8,353,902 00</u>

Division of Youth Service.

1380-01	For the youth service board and for the administration of the division of youth service, including not more than seventy-nine permanent positions	\$730,609 00
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For the maintenance of and for certain improvements at the institutions within the division:

1381-01	Industrial school for boys, including not more than one hundred and twenty-one permanent positions	\$659,840 00
1382-01	Industrial school for girls, including not more than seventy permanent positions	439,029 00
1383-01	Lyman school for boys, including not more than one hundred and thirty-five permanent positions	858,309 00
1384-01	For the operation of reception and detention facilities for boys in the city of Boston, including not more than fifty-one permanent positions	325,750 00
1385-01	For the operation of the institute of juvenile guidance, including not more than fifty-two permanent positions	273,576 00
1386-01	For the operation of reception and detention facilities for girls in the city of Boston, including not more than twenty-seven permanent positions	139,027 00
1387-01	For the operation of a detention center in Hampden county, including not more than two permanent positions	40,281 00
1388-01	For the operation of a residential treatment unit for small boys in Oakdale, including not more than twenty-one permanent positions	140,410 00
1389-01	For the operation of a detention center in Worcester county, including not more than two permanent positions	7,735 00
1390-01	For the maintenance of a Youth Forest Camp	49,300 00
Total		<u>\$2,933,257 00</u>

Total, Division of Youth Service . . \$3,663,866 00

School Building Assistance Commission.

1393-01	For the school building assistance commission	\$73,183 00
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Board of Educational Assistance.

Item		
1394-01	For the expenses of the board, as authorized by section twenty-six of chapter fifteen of the General Laws, prior appropriation continued	\$7,904 00
1394-02	For scholarships, as authorized by section twenty-six of chapter fifteen of the General Laws, prior appropriation continued.	
Total, Department of Education		<u>\$35,905,046 00</u>

Service of the Department of Civil Service and Registration.

Division of Civil Service.

1402-01	For the salary of the director and for the compensation of members of the commission	\$40,000 00
1402-02	For the service of the division, including not more than two hundred and thirteen permanent positions; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and fifty-three thousand five hundred and twenty-eight dollars from the Highway Fund	1,023,521 00
1402-21	For expenses of hearings, as authorized by section forty-three of chapter thirty-one of the General Laws	5,000 00
Total		<u>\$1,068,521 00</u>

Division of Registration.

1403-01	For the salary of the director	\$6,000 00
1403-02	For the service of the division, including not more than forty-eight permanent positions	288,191 00
Total		<u>\$294,191 00</u>

For the service of the following agencies in the division:

1404-01	Board of registration in medicine, including not more than seven permanent positions	\$10,725 00
1405-01	Board of dental examiners, including not more than five permanent positions	5,950 00
1406-01	Board of registration in chiropody, including not more than five permanent positions	3,100 00
1407-01	Board of registration in pharmacy, including not more than nine permanent positions	33,799 00
1408-01	Board of registration of nurses, including not more than ten permanent positions	5,780 00
1409-01	Board of registration in embalming and funeral directing, including not more than five permanent positions	11,500 00
1410-01	Board of registration in optometry, including not more than five permanent positions	2,900 00
1411-01	Board of registration in veterinary medicine, including not more than five permanent positions	2,335 00
1412-01	Board of registration of professional engineers and land surveyors	4,930 00
1413-01	Board of registration of architects, including not more than five permanent positions	4,300 00
1414-01	Board of registration of certified public accountants, including not more than five permanent positions	14,910 00
1416-01	State examiners of electricians, including not more than two permanent positions	9,700 00
1417-01	State examiners of plumbers, including not more than three permanent positions	7,600 00
1420-01	Board of registration of barbers, including not more than nine permanent positions	44,080 00
1421-01	Board of registration of hairdressers, including not more than seventeen permanent positions	83,376 00

Item		
1422-01	Board of registration of dispensing opticians, including not more than five permanent positions	\$1,450 00
1424-01	Board of sanitarians, including not more than four permanent positions	1,440 00
Total		<u>\$247,875 00</u>
Total, Department of Civil Service and Registration		<u>\$1,610,587 00</u>

Service of the Department of Commerce.

1551-01	For the service of the department, including not more than fifty-seven permanent positions	\$897,715 00
1551-10	For the commonwealth's share of the expenses of the New England textile committee	5,400 00
Total, Department of Commerce		<u>\$903,115 00</u>

Service of the Department of Labor and Industries.

1601-01	For general administration and for the division of employment of the aging, including not more than thirteen permanent positions	\$89,437 00
1603-01	For the division of industrial inspection, including not more than sixty-eight permanent positions	408,747 00
1605-01	For the division of occupational hygiene, including not more than fourteen permanent positions	86,593 00
1607-01	For the division of statistics, including not more than thirty-four permanent positions	159,597 00
1609-01	For administration of the division on necessities of life, including not more than five permanent positions	28,920 00
1609-05	For administration, by said division, of sections two hundred and ninety-five A to two hundred and ninety-five O, inclusive, of chapter ninety-four of the General Laws, relating to the advertising and sale of motor fuel at retail, including not more than twelve permanent positions	64,849 00
1611-01	For the board of conciliation and arbitration, including not more than sixteen permanent positions	124,635 00
1613-01	For the commission on minimum wage and for expenses of wage boards, including not more than thirty-four permanent positions	167,074 00
1615-01	For the division of standards, including not more than fifteen permanent positions	85,841 00
Total		<u>\$1,213,693 00</u>

Division of Apprentice Training.

1620-01	For the service of the division, including not more than thirty-seven permanent positions; provided, that all of the positions of this division, with the exception of the head clerk, shall not be subject to chapter thirty-one of the General Laws	\$181,656 00
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Labor Relations Commission.

1630-01	For the service of the commission, including not more than nineteen permanent positions	\$125,817 00
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Division of Industrial Accidents.

1651-01	For personal services of members of the board, including not more than eleven permanent positions	\$111,000 00
1651-02	For the service of the board and for clerical and other assistance for the industrial accident rehabilitation board, including not more than one hundred and seventy-two permanent positions	814,115 00

Item		
1651-05	For expenses of impartial examinations, prior appropriation continued	\$39,500 00
1651-06	For the compensation of certain public employees for injuries sustained in the course of their employment, as provided by section sixty-nine of chapter one hundred and fifty-two of the General Laws, prior appropriation continued; provided, that the comptroller shall transfer to the General Fund the sum of three hundred thousand dollars from the Highway Fund	855,000 00
Total		\$1,819,615 00

Division of Self-Insurance.

1651-21	For the service of the division, including not more than six permanent positions	\$31,507 00
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Industrial Accident Rehabilitation Board.

1652-01	For the service of the industrial accident rehabilitation board, including not more than six permanent positions	\$13,063 00
Total, Department of Labor and Industries		\$3,385,351 00

Service of the Department of Mental Health.

1701-01	For the salary of the commissioner	\$15,000 00
1701-02	For administration, including the division of mental hygiene, psychiatric services to the courts and other state departments, therapy and outpatient treatment of sexual offenders including those incarcerated in institutions within the commonwealth, and for the transportation and medical examination of patients and certain feeble-minded persons, including not more than three hundred and thirty-nine permanent positions	2,674,077 00
1701-05	For the expenses of community nurseries for retarded children	130,000 00
Total		\$2,819,077 00

For the maintenance of and for certain improvements at the following institutions under the control of the department of mental health:

1710-00	Massachusetts mental health center, including not more than two hundred and thirty-nine permanent positions	\$1,189,426 00
1711-00	Boston state hospital, including not more than one thousand one hundred and two permanent positions	5,276,424 00
1711-28	This item postponed.	
1712-00	Danvers state hospital, including not more than eight hundred and thirty-nine permanent positions	3,852,742 00
1712-24	This item postponed.	
1713-00	Foxborough state hospital, including not more than four hundred and seventy permanent positions	2,326,188 00
1713-21	This item postponed.	
1713-25	This item postponed.	
1714-00	Gardner state hospital, including not more than four hundred and eighty-one permanent positions	2,394,908 00
1714-27	This item postponed.	
1715-00	Grafton state hospital, including not more than five hundred and sixty-nine permanent positions	2,813,205 00
1715-25	This item postponed.	
1715-26	This item postponed.	
1716-00	Medfield state hospital, including not more than five hundred and forty-nine permanent positions	2,948,056 00
1716-26	This item postponed.	
1717-00	Metropolitan state hospital, including not more than seven hundred and four permanent positions	3,371,199 00

Item		
1717-32	This item postponed.	
1717-33	This item postponed.	
1718-00	Northampton state hospital, including not more than six hundred and twenty-six permanent positions	\$3,266,328 00
1718-27	This item postponed.	
1718-29	This item postponed.	
1719-00	Taunton state hospital, including not more than six hundred and eighty-seven permanent positions	3,273,179 00
1719-27	This item postponed.	
1720-00	Westborough state hospital, including not more than six hundred and ninety-four permanent positions	3,356,757 00
1721-00	Worcester state hospital, including not more than one thousand and twenty-three permanent positions	4,543,794 00
1722-00	Monson state hospital, including not more than seven hundred and forty-five permanent positions	3,260,612 00
1722-27	This item postponed.	
1723-00	Belchertown state school, including not more than four hundred and sixty-two permanent positions	2,194,630 00
1723-27	This item postponed.	
1724-00	Walter E. Fernald state school, including not more than eight hundred and thirty permanent positions	4,006,875 00
1725-00	Wrentham state school, including not more than six hundred and thirty-eight permanent positions	3,006,152 00
1726-00	Myles Standish state school, including not more than five hundred and ninety-three permanent positions	2,863,482 00
1727-00	Cushing hospital, including not more than three hundred and thirty-three permanent positions	1,957,025 00
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		Total \$55,900,982 00

Total, Department of Mental Health \$58,720,059 00

Service of the Department of Correction.

1801-01	For the salary of the commissioner	\$15,000 00
1801-02	For administration, including not more than seventy-two permanent positions; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service laws and rules; and, provided further, that notwithstanding any provision of the law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies, and the salary of these employees during the period of official training shall be paid from this item	465,785 00

Non-Contributory Pensions:

1801-21	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, prior appropriation continued	\$28,500 00
1802-01	For the operation of correctional institution camps, including not more than twenty-four permanent positions	300,234 00

Total \$809,519 00

Parole Board.

1805-01	For the service of the board, including not more than sixty-three permanent positions	\$425,171 00
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Item

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

1810-01	Correctional institution at Bridgewater, including not more than four hundred and eighty-one permanent positions . . .	\$3,128,066 00
1810-21	This item postponed.	
1812-01	Correctional institution at Walpole, including not more than two hundred and seventy permanent positions . . .	1,778,101 00
1812-02	Correctional institution at Walpole, industries, including not more than thirty permanent positions; provided, that the commissioner of correction shall determine the cost of the manufacture of motor vehicle registration plates and certify to the comptroller the amounts to be transferred therefor from the Highway Fund to the General Fund . . .	710,912 00
1814-01	Correctional institution at Concord, including not more than two hundred and forty-five permanent positions . . .	1,651,755 00
1814-02	Correctional institution at Concord, industries, including not more than twenty-three permanent positions . . .	338,483 00
1814-22	This item postponed.	
1816-01	Correctional institution at Framingham, including not more than one hundred and thirty-one permanent positions . . .	824,846 00
1816-02	Correctional institution at Framingham, industries, including not more than twelve permanent positions . . .	231,190 00
1816-24	This item postponed.	
1818-01	Correctional institution at Norfolk, including not more than two hundred and fifty-three permanent positions . . .	1,816,573 00
1818-02	Correctional institution at Norfolk, industries, including not more than twenty-nine permanent positions . . .	469,372 00
1818-23	This item postponed.	
Total		<u>\$10,949,298 00</u>
Total, Department of Correction		<u><u>\$12,183,988 00</u></u>

Service of the Department of Public Welfare.

1901-01	For the salary of the commissioner . . .	\$12,500 00
1901-03	For administration of the program of old age assistance provided by chapter one hundred and eighteen A of the General Laws, and for the office of the commissioner and expenses of the department of public welfare, including not more than five hundred and sixty-nine permanent positions . . .	2,746,705 00
1901-04	For administrative cost of a program for total and permanent disability assistance and for payments made in accordance with section three of chapter one hundred and eighteen D of the General Laws . . .	65,000 00
1901-06	For payments on account of old age assistance grants made in accordance with section one C of chapter one hundred and eighteen A of the General Laws . . .	95,000 00
Total		<u>\$2,919,205 00</u>

Division of Child Guardianship.

1906-04	For the care and maintenance of children under the jurisdiction of the division of child guardianship, prior appropriation continued . . .	\$3,250,000 00
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Tewksbury State Hospital and Infirmary.

1919-00	For the maintenance of the Tewksbury state hospital and infirmary, including not more than seven hundred and sixty-one permanent positions . . .	\$3,731,487 00
Total, Department of Public Welfare		<u><u>\$9,900,692 00</u></u>

Service of the Department of Public Health.*Bureau of Administration.*

Item		
2001-01	For the salary of the commissioner	\$14,000 00
2001-02	For the service of the bureau of administration, including not more than thirty-eight permanent positions	205,685 00
2001-03	From the unexpended balance remaining in item 2001-03 of section two of chapter six hundred and eighty-eight of the acts of nineteen hundred and fifty-six, the sum of one hundred and fifty thousand dollars is hereby reappropriated and made available for the purposes of item 2001-03.	
Total		<hr/> \$219,685 00

Bureau of Environmental Sanitation.

2002-01	For the service of the bureau, including not more than one hundred and nine permanent positions; provided, that an amount equal to the administrative expense paid from this account and incurred in making special air pollution surveys shall be transferred from item 2002-02 and credited to the General Fund by the comptroller upon certification by the commissioner of public health	\$764,174 00
2002-02	For special air pollution surveys to be conducted upon request of cities or towns; provided, that any city or town requesting such a survey shall pay in advance the estimated cost thereof, the amounts so received to be available for expenditure under this item without appropriation, expires June thirtieth, nineteen hundred and sixty.	

Bureau of Preventive Disease Control.

2003-01	For the service of the bureau of preventive disease control and for the operation of certain clinics in the outpatient department of certain general hospitals, including not more than forty-nine permanent positions	\$1,217,446 00
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Bureau of Health Services.

2004-01	For the service of the bureau of health services, including not more than fifty-four permanent positions	\$572,321 00
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Bureau of Hospital Facilities.

2005-01	For the service of the bureau of hospital facilities, including not more than twenty-three permanent positions	\$155,855 00
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Bureau of Tuberculosis and Institutions.

2006-01	For the service of the bureau of tuberculosis and institutions and for the commonwealth's share of the operation of certain tuberculosis clinics, including not more than thirty permanent positions	\$189,600 00
2006-21	This item postponed.	

Institute of Laboratories.

2007-01	For the service of the institute of laboratories, including not more than one hundred and thirty-five permanent positions	\$694,707 00
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For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

2022-00	Lakeville state sanatorium, including not more than two hundred and forty-five permanent positions	\$1,117,724 00
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Item		
2023-00	North Reading state sanatorium, including not more than two hundred and eight permanent positions	\$935,700 00
2024-00	Rutland state sanatorium, including not more than two hundred and fifty-four permanent positions	1,178,655 00
2024-23	This item postponed.	
2025-00	Westfield state sanatorium, including not more than two hundred and eighty-eight permanent positions	1,442,250 00
2026-00	Lemuel Shattuck hospital, including not more than eight hundred and four permanent positions	3,639,400 00
2026-22	This item postponed.	
2027-00	Massachusetts Hospital School, including not more than two hundred and eleven permanent positions	1,020,005 00
2031-00	Pondville hospital, including not more than two hundred and seventy permanent positions	1,461,592 00
2031-22	This item postponed.	
Total		<u>\$10,795,326 00</u>

New England Interstate Water Pollution Control Commission.

2040-01	For expenses of the New England interstate water pollution control commission, as authorized by chapter four hundred and twenty-one of the acts of nineteen hundred and forty-seven, and for compensation and expenses of the commissioners, as provided by section four of said chapter	\$9,560 00
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Connecticut River Valley Flood Control Commission.

2040-02	For expenses of the commission and for reimbursement for loss of taxes, as authorized by chapter six hundred and ninety-two of the acts of nineteen hundred and fifty-one	\$15,929 00
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Merrimack River Valley Flood Control Commission.

2040-03	For expenses of the commission, as authorized by chapter six hundred and eight of the acts of nineteen hundred and fifty-six	\$14,500 00
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Total, Department of Public Health \$14,649,103 00

Service of the Department of Public Safety.

2101-01	For the salary of the commissioner	\$12,500 00
2101-02	For certain administrative expenses of the department, including not more than ninety-nine permanent positions	515,364 00

Total \$527,864 00

Division of Fire Prevention.

2103-01	For the fire prevention service, including not more than twenty-five permanent positions	\$204,944 00
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Division of Inspection.

2104-01	For the service of the division, except as otherwise provided, including not more than fifty-nine permanent positions	\$401,949 00
2104-31	For the board of boiler rules, including not more than four permanent positions	1,400 00

Total \$403,349 00

State Boxing Commission.

2105-11	For the service of the commission, including not more than six permanent positions	\$27,811 00
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Board of Standards.

Item		
2106-01	For the service of the board, including not more than seven permanent positions	\$5,100 00

Board of Elevator Regulations.

2107-01	For the service of the board, including not more than seven permanent positions	\$5,100 00
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Board of Fire Prevention Regulations.

2108-01	For the service of the board, including not more than six permanent positions	\$4,100 00
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Division of Subversive Activities.

2109-01	For the service of the division of subversive activities, including not more than five permanent positions	\$28,452 00
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Board of Schoolhouse Structural Standards.

2110-01	For the service of the board, as authorized by chapter six hundred and seventy-five of the acts of nineteen hundred and fifty-five	\$1,000 00
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Board of Examiners.

2111-01	For the service of the board of examiners of persons licensed under section seventy-one B of chapter one hundred and forty-three of the General Laws, including not more than one permanent position	\$1,000 00
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Total, Department of Public Safety \$1,208,720 00

Service of the Department of Public Works.*Division of Waterways.*

2202-03	For administration, including not more than sixty-five permanent positions; provided, that an amount equal to the expenditures for personal services properly chargeable to item 2202-05, as certified by the director of the division, shall be credited as revenue to the General Fund	\$335,300 00
2202-06	For the maintenance and repair of certain property in the town of Plymouth, including not more than two permanent positions	8,100 00
2220-21	For the continuation of a survey of the great ponds of the commonwealth, including the rights of way thereto, as authorized by chapter twenty-eight of the resolves of nineteen hundred and fifty-one, prior appropriation continued, expires June thirtieth, nineteen hundred and sixty.	
2220-25	This item postponed.	
2220-26	This item postponed.	

Total \$343,400 00

Outdoor Advertising Division

2230-01	For the service of the outdoor advertising division, including not more than eleven permanent positions	\$53,682 00
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Total, Department of Public Works \$397,082 00

Service of the Department of Public Utilities.

Item		
2301-01	For personal services of the commissioners, including not more than five permanent positions	\$56,000 00
2301-02	For administration, including not more than seventy-three permanent positions	439,106 00
2301-09	For hearings and special investigations; provided, that no salaries or expenses of permanent employees shall be chargeable to this item, prior appropriation continued	25,000 00
2301-11	For the administration of certain rules and regulations, as authorized by section seventy-five E of chapter one hundred and sixty-four of the General Laws, pertaining to the construction and operation of natural gas pipe lines in the commonwealth	6,025 00
Total		<u>\$526,131 00</u>

Commercial Motor Vehicle Division.

2304-01	For the service of the division, including not more than thirty-two permanent positions	\$200,755 00
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Securities Division.

2308-01	For the service of the division, including not more than nine permanent positions	\$51,113 00
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Total, Department of Public Utilities	<u><u>\$777,999 00</u></u>
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Annuities and Payments.

2805-01	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves	\$12,700 00
2805-02	For payment of any claims, as authorized by sections eighty-nine and eighty-nine A of chapter thirty-two of the General Laws, for allowances to the families of certain employees killed or fatally injured in the discharge of their duties	16,100 00

Total, Annuities and Payments	<u><u>\$28,800 00</u></u>
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Non-Contributory Pensions.

2811-02	For the compensation of veterans who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, and for the cost of medical examinations in connection therewith; provided, that the comptroller shall transfer to the General Fund the sum of four hundred and ninety-eight thousand dollars from the Highway Fund	\$2,265,000 00
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Total, Non-Contributory Pensions	<u><u>\$2,265,000 00</u></u>
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Miscellaneous.

2820-02	For the payment, with the approval of the comptroller, of expenses for which no funds or insufficient funds were allotted or reserved; provided, that such expenses were not in excess of the appropriation account	\$25,000 00
2820-06	For the repayment to claimants, as authorized by section one hundred and forty-nine D of chapter one hundred and seventy-five of the General Laws and for reimbursement of other persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth	2,000 00

Item		
2820-08	For the payment of claims for unpaid checks, with the approval of the state treasurer and certification by him to the comptroller of the amount due, where payment has otherwise been prevented as a result of the application of section thirty-two of chapter twenty-nine of the General Laws	\$1,000 00
	Total, Miscellaneous	<u>\$28,000 00</u>

APPROPRIATIONS MADE FROM THE HIGHWAY FUND.

Service of the Department of Public Works.

Highway Activities.

The salaries of all officers and employees of the department engaged in projects or activities relating to highways shall be charged for the nineteen hundred and fifty-nine fiscal year in full to appropriations authorized under the heading of "Highway Activities" in this act:

2900-01	For the salaries of the commissioner and the associate commissioners, including not more than three permanent positions	\$35,000 00
2900-02	For administration and engineering in connection with all highway activities, for the offices of the commissioner, department secretary, personnel officer and business agent, including telephone service in the public works building; and for the payment of damages caused by defects in state highways, with the approval of the attorney general; provided, that the position of personnel director, public works department, shall not be subject to the civil service laws and rules, prior appropriation continued	17,000,000 00
2900-04	For the maintenance and repair of state highways and bridges, traffic signs and signals, including traffic safety devices on town and city ways as the department may deem necessary; for work for which the Highway Fund is reimbursed other than work in connection with the projects included in federal aid programs; and for the purchase, construction and repair of shelters for departmental equipment and material including land necessary therefor, the cost of which is less than ten thousand dollars for each project, prior appropriation continued	12,250,000 00
2900-07	For the construction, improvement and maintenance by the department of public works of public roads in state forests, parks and reservations outside of the Metropolitan Parks districts, as authorized by section thirteen of chapter eighty-one of the General Laws, prior appropriation continued	100,000 00
2900-08	For the cost of snow and ice control on state highways and town roads, including the removal of sand and other additional expenses in connection therewith, prior appropriation continued	6,000,000 00
2900-09	For the construction, improvement and maintenance by the department of public works of public roads within the limits of any property under the control of any department, board or commission of the commonwealth, as authorized by section thirteen of chapter eighty-one of the General Laws, prior appropriation continued	200,000 00
2900-10	For projects for the construction and reconstruction of highways and bridges, including the elimination of grade crossings, which have been approved by the proper federal authorities to be included in federal aid programs, and for land damages in connection with such projects; provided, that any portion of the sum herein appropriated may also be used for said federal aid projects in conjunction with city or town funds; and, provided further, that the balance of amounts made available for expenditure in the fiscal year nineteen hundred and fifty-eight are hereby reappropriated; and, provided further, that amounts made available by this item in any fiscal year shall be available for expenditure in the succeeding fiscal year.	
2900-12	For projects for improving state highways and through routes, including bridges, and including construction and reconstruction, it being the intent of the general court that state highways shall be made continuous	

Item		
	whether or not sections to be made state highways require construction work; for turnouts or rest areas within highway rights of way, including contingent expenses therefor; and upon agreement with city or town officials, for construction of needed improvements on other through routes not designated as state highways and without acceptance by the commonwealth of responsibility for maintenance; provided, that any portion of the sum appropriated herein may be used in conjunction with city or town funds, prior appropriation continued	\$1,500,000 00
2900-20	For all personal services, for the fiscal year nineteen hundred and fifty-nine and previous years, for all projects and activities relating to highways, including not more than three thousand six hundred and fourteen permanent positions; provided, that transfers shall be made to this account by the commissioner of public works from appropriations for the several highway activity items in this act except items 2900-01 and 2900-80 in amounts not in excess of the initial amounts prescribed for personal services by subsidiary account as authorized by section twenty-seven of chapter twenty-nine of the General Laws, the amounts transferred to this account to be credited to corresponding subsidiary accounts; and, provided further, that the provisions of section twenty-nine of chapter twenty-nine of the General Laws shall apply to this item.	
2900-35	For resurfacing existing state highways with not less than two inches of bituminous bound aggregate, using present traveled ways as a base; provided, that the state purchasing agent may buy the required bituminous-treated aggregate, notwithstanding the provisions of section eight A of chapter twenty-nine of the General Laws, prior appropriation continued	1,250,000 00
2900-36	For the construction or reconstruction of state highway and other bridges, including certain bridges placed under the authority of the department of public works by chapter six hundred and ninety of the acts of nineteen hundred and forty-five and by chapter four hundred and eighty-two of the acts of nineteen hundred and forty-eight; provided, that sums herein appropriated may be used, upon agreement with city or town officials, in conjunction with city or town funds without acceptance by the commonwealth of responsibility for maintenance, prior appropriation continued	1,500,000 00
2900-38	For expenses in connection with research and investigational work to be done on a co-operative basis with the Massachusetts Institute of Technology, prior appropriation continued, expires June thirtieth, nineteen hundred and sixty	30,000 00
2900-39	For certain research and investigational work in co-operation with the highway research board, prior appropriation continued.	
2900-61	For the compensation of former employees of the department of public works, now retired, as authorized by chapter four hundred and three of the acts of nineteen hundred and forty-eight, as amended by chapter four hundred and forty-one of the acts of nineteen hundred and fifty-three	36,540 00
2900-80	For the operation and maintenance of the public works building, including not more than eighty-three permanent positions	410,000 00
Total, Department of Public Works		<u>\$40,311,540 00</u>

Service of the Registry of Motor Vehicles.

2924-01	For the service of the registry, including not more than nine hundred and seventy-nine permanent positions	\$5,327,381 00
Total, Registry of Motor Vehicles		<u>\$5,327,381 00</u>

Service of the Department of Public Safety.*Division of State Police.*

Item		
2926-01	For the service of the division, including not more than six hundred and twenty-seven permanent positions	\$4,257,450 00
2926-11	For the compensation of state police officers formerly in the service of the commonwealth, now retired	48,770 00
	The comptroller is hereby authorized to transfer to the Highway Fund the sum of six hundred and thirty-two thousand eight hundred and eighty dollars from the General Fund on account of the expenditures under the division of state police.	

Total, Department of Public Safety **\$4,306,220 00**

Service of the Metropolitan District Commission.

The following items are to be paid with the approval of the Metropolitan District Commission:

2931-01	For general administration, including not more than sixty-six permanent positions; provided, that the comptroller shall transfer to the Highway Fund seventy-five per cent of the cost of payments made under this item from the Metropolitan District Commission Funds, to be assessed by methods fixed by law	\$346,234 00
2931-04	This item postponed.	
2931-06	For the maintenance of boulevards and parkways, including the installation of traffic lights and including Bunker Hill and the property adjacent, and for the maintenance of parks reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of the attorney general, including the retirement of metropolitan police and veterans under the provisions of the General Laws, and including not more than one thousand and fifty-nine permanent positions; provided, that the comptroller shall transfer to the Highway Fund proportions of payments made under this item, as provided by section fifty-five of chapter ninety-two of the General Laws	8,069,351 00
2931-14	This item postponed.	
2931-15	This item postponed.	

Total, Metropolitan District Commission **\$8,405,585 00**

APPROPRIATIONS MADE FROM THE INLAND FISHERIES AND GAME FUND.**Service of the Department of Natural Resources.**

Division of Fisheries and Game. (It is hereby provided that federal funds received as reimbursements under the following items are to be credited as income to the Inland Fisheries and Game Fund):

3304-01	For the service of the division, including not more than thirteen permanent positions	\$123,212 00
3304-06	For expenses of the board, as authorized by chapter twenty-one of the General Laws	2,100 00
3304-31	For expenses of game farms and fish hatcheries, including not more than sixty-six permanent positions	569,910 00
3304-42	For the improvement and management of lakes, ponds and rivers, including not more than seven permanent positions	99,379 00
3304-44	For the contribution of the department of natural resources towards a wild life co-operative research project, in accordance with a contract with the federal government, to be expended by the University of Massachusetts	7,500 00

Item		
3304-45	For the establishment and maintenance of public fishing grounds, including not more than two permanent positions; provided, that none of the money appropriated under this item shall be used for the purchase of land	\$12,922 00
3304-47	For certain stream surveys and inventory work, as authorized by chapter two hundred and seven of the acts of nineteen hundred and fifty-one, including not more than one permanent position; provided, that the comptroller shall transfer to the Inland Fisheries and Game Fund the sum of six thousand dollars from the General Fund	54,485 00
3304-51	For wild life research and management, including not more than seventeen permanent positions	117,078 00
3304-53	For expenses of establishing and conducting wild life restoration projects, as authorized by chapter three hundred and ninety-two of the acts of nineteen hundred and thirty-eight, including not more than twenty permanent positions, prior appropriation continued	109,978 00
3304-58	For the acquisition and improvement of certain land and public hunting and fishing grounds, prior appropriation continued	30,000 00
	Total	\$1,126,564 00

Division of Law Enforcement.

3308-05	For the payment of damages caused by wild deer and wild moose, including not more than one permanent position, prior appropriation continued	\$11,004 00
3308-07	For the supervision of public fishing and hunting grounds	7,884 00
	Total	\$18,888 00

Total, Department of Natural Resources \$1,145,452 00

APPROPRIATION PAYABLE FROM THE AGRICULTURAL PURPOSES FUND.

Service of the Department of Agriculture.

Division of Plant Pest Control and Fairs.

3809-21	For state prizes and agricultural exhibits, including allotment of funds for the 4-H activities; provided, that the comptroller shall transfer to the General Fund the sum of eleven thousand dollars from the Agricultural Purposes Fund	\$128,265 00
	Total, Department of Agriculture	\$128,265 00

APPROPRIATIONS PAYABLE FROM THE MOSQUITO CONTROL FUND.

Service of the State Reclamation Board.

3901-00	For the expenses of mosquito control projects, as authorized by chapter three hundred and seventy-nine of the acts of nineteen hundred and thirty, as amended by section one of chapter two hundred and fifty of the acts of nineteen hundred and thirty-five, to be assessed in the calendar year nineteen hundred and fifty-eight	\$118,141 00
3915-00	For the expenses of mosquito control projects, as authorized by chapter four hundred and fifty-six of the acts of nineteen hundred and forty-five, as amended by chapter seven hundred and thirty-four of the acts of nineteen hundred and fifty, to be assessed in the calendar year nineteen hundred and fifty-eight	58,788 00
3917-00	For the expenses of mosquito control projects, as authorized by chapter three hundred and forty-one of the acts of nineteen hundred and fifty-six, to be assessed in the calendar year nineteen hundred and fifty-eight	81,820 00

Item		
3919-00	For the expenses of mosquito control projects, as authorized by chapter three hundred and seventy-one of the acts of nineteen hundred and fifty-seven, to be assessed in the calendar year nineteen hundred and fifty-eight	\$6,276 00
3920-00	For the expenses of mosquito control projects, as authorized by chapter five hundred and fourteen of the acts of nineteen hundred and fifty-seven, to be assessed in the calendar year nineteen hundred and fifty-eight	69,909 00
Total, State Reclamation Board		<u>\$334,934 00</u>

APPROPRIATIONS PAYABLE FROM THE STATE RECREATION AREAS FUND.

Service of the Department of Natural Resources.

Division of Forests and Parks.

4010-01	For the service of the bureau of recreation, including not more than seventy permanent positions	\$584,852 00
Total, Department of Natural Resources		<u>\$584,852 00</u>

Service of the Department of Public Works.

4050-01	For the service of the division of public beaches, including not more than two permanent positions	\$16,159 00
4050-02	For the maintenance of Salisbury beach reservation, including not more than three permanent positions	114,914 00
4050-03	For the care and maintenance of the province lands, including the bath-house, and of the lands acquired and structures erected by the Provincetown tercentenary commission, including not more than five permanent positions	36,775 00
4050-05	For the maintenance of Horseneck beach, including not more than one permanent position, prior appropriation continued	98,824 00
4050-06	For the maintenance of Scusset beach, prior appropriation continued	36,940 00
Total, Department of Public Works		<u>\$303,612 00</u>

APPROPRIATION PAYABLE FROM THE SMOKE INSPECTION FUND.

Service of the Department of Public Health.

Division of Smoke Inspection.

4311-01	For the service of the division, including not more than nine permanent positions	\$48,677 00
Total, Department of Public Health		<u>\$48,677 00</u>

APPROPRIATIONS PAYABLE FROM THE METROPOLITAN DISTRICT COMMISSION FUNDS.

The following appropriations are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction of the Metropolitan District Commission:

Metropolitan Parks, General.

Item		
8601-27	For certain payments for the use of facilities of the museum of science	\$50,000 00
8602-27	For the cost of suppressing the gypsy moth	5,000 00
8602-37	For the expenses of holding band concerts	25,000 00
8602-45	This item postponed.	
Total, Metropolitan Parks, General		<u>\$80,000 00</u>

Metropolitan Sewerage, North System.

8702-00	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws, and including not more than three hundred and eighteen permanent positions for the north and south systems, partly chargeable to this item and to item 8807-00	\$1,264,940 00
8702-10	For a certain payment, as authorized by chapter one hundred and one of the resolves of nineteen hundred and fifty-four; provided, that a sum equal to the payments under this item shall be assessed upon the north and south metropolitan sewerage districts according to methods fixed by law	1,500 00
8702-34	This item postponed.	
Total, Metropolitan Sewerage, North System		<u>\$1,266,440 00</u>

Metropolitan Sewerage, South System.

8807-00	For the maintenance and operation of the system of sewage disposal for the south metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws, and including certain permanent positions as enumerated in item 8702-00; provided, that notwithstanding any other provision of law to the contrary, there shall be included a payment of six hundred and twenty-one dollars and twenty-two cents for a certain prior-year salary earned but not paid	\$1,155,255 00
8807-26	This item omitted.	
Total, Metropolitan Sewerage, South System		<u>\$1,155,255 00</u>

Metropolitan Water System.

8902-00	For the maintenance and operation of the metropolitan water system, including the retirement of veterans under the provisions of the General Laws and including not more than five hundred and ninety-five permanent positions	\$3,762,214 00
8902-22	For emergency repairs to water mains, prior appropriation continued, expires June thirtieth, nineteen hundred and sixty.	

Item	
8902-34	For the construction of additions and improvements to certain supply and distribution mains, prior appropriation continued, expires June thirtieth, nineteen hundred and sixty.
8902-42	This item postponed.
8902-49	This item postponed.
8902-83	This item postponed.
8902-84	This item postponed.

Total, Metropolitan Water System

\$3,762,214 00**LOCAL AID APPROPRIATIONS.**

The following appropriations are for reimbursements and grants to local governments and for certain other purposes, and are to be in addition to any unexpended balance of appropriations heretofore made for the purpose:

APPROPRIATIONS MADE FROM THE GENERAL FUND.**Service of the Judiciary.***Superior Court.*

2603-01 This item postponed.

Suffolk County Court House.

2603-02 For reimbursing the city of Boston for thirty per cent of the cost of maintenance of the Suffolk county court house, as provided by and subject to the conditions of section six of chapter four hundred and seventy-four of the acts of nineteen hundred and thirty-five; provided, that this appropriation shall not be construed as fixing the specific amount for which the commonwealth shall be liable on account of said maintenance \$270,000 00

Total, Judiciary \$270,000 00**Boards and Commissions serving under Governor and Council.***Service of the State Housing Board.*

2601-02 For the reimbursement of housing authorities, as authorized by chapter six hundred and sixty-eight of the acts of nineteen hundred and fifty-three \$95,400 00
 2604-03 For reimbursement to certain cities and towns, as provided by chapter two hundred of the acts of nineteen hundred and forty-eight, as amended 4,410,000 00
 2604-04 For the liquidation of certain abandoned housing projects, as authorized by chapter five hundred and ninety-five of the acts of nineteen hundred and fifty-five 388,357 00

Total \$4,893,757 00**Service of the Commissioner of Veterans' Services.**

2604-06 For reimbursing cities and towns for money paid for veterans' benefits, as provided in section six of chapter one hundred and fifteen of the General Laws \$4,120,000 00

Total, Boards and Commissions serving under Governor and Council \$9,013,757 00

Service of the Department of Agriculture.

Division of Livestock Disease Control.

Item		
2603-01	For the reimbursement of certain towns for compensation paid to inspectors of animals	\$5,000 00
Total, Department of Agriculture		<u>\$5,000 00</u>

Service of the Department of Natural Resources.

Division of Forests and Parks.

2610-01	For aiding towns in the purchase of equipment for extinguishing forest fires, as provided by section eleven of chapter forty of the General Laws	\$1,000 00
2610-02	For reimbursement to certain towns for extinguishing forest fires, prior appropriation continued.	
2610-03	For the reimbursement to cities and towns of a proportion of their expenses for the suppression of insect pests, as provided by law, prior appropriation continued.	
Total		<u>\$1,000 00</u>

Division of Marine Fisheries.

2610-04	For the reimbursement to certain coastal cities and towns of a part of the cost of projects for the suppression of enemies of shellfish and for propagation, as authorized by section twenty of chapter one hundred and thirty of the General Laws; provided, that the expenditure by said cities and towns of funds herein provided shall not be subject to appropriation as required by section fifty-three of chapter forty-four of the General Laws	\$20,000 00
2610-06	For bounties on seals	150 00
Total		<u>\$20,150 00</u>
Total, Department of Natural Resources		<u>\$21,150 00</u>

Service of the Department of Corporations and Taxation.

Reimbursement for Loss of Taxes.

2612-01	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the calendar year nineteen hundred and fifty-eight, for the reimbursement of certain towns as authorized by section seventeen B of chapter fifty-eight of the General Laws and for reimbursing certain towns as authorized by chapters seven hundred and one and five hundred and seventy-nine of the acts of nineteen hundred and fifty-six	\$800,000 00
2612-02	For the reimbursement of cities and towns for abatements granted, as provided by section eight A of chapter fifty-eight and section five of chapter fifty-nine of the General Laws	108,000 00
Total		<u>\$908,000 00</u>
Total, Department of Corporations and Taxation		<u>\$908,000 00</u>

Service of the Department of Education.

Item		
2613-01	For reimbursement to cities and towns of a portion of the cost of a program for extended school services for certain children of certain employed mothers, as authorized by sections twenty-six A to twenty-six F, inclusive, of chapter seventy-one of the General Laws	\$3,000 00
2613-02	For the reimbursement of certain cities and towns for sight saving classes, as provided by law, prior appropriation continued.	
2613-03	For assisting small towns in providing themselves with school superintendents, as provided by law	200,000 00
2613-04	For the reimbursement of certain towns for the transportation of pupils as provided by law; provided, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax	4,700,000 00
2613-05	For the reimbursement of certain cities and towns for a part of the expenses of maintaining agricultural and industrial vocational schools, as provided by law	4,250,000 00
2613-06	For reimbursement of certain cities and towns for adult English-speaking classes	105,000 00
2613-07	For the reimbursement of certain towns for the transportation of pupils, as authorized by section eight A of chapter seventy-four of the General Laws; provided, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax	100,000 00
2613-18	This item postponed.	
Total		\$9,358,000 00

School Building Assistance Commission.

2613-08	For reimbursement of certain cities and towns for part of the cost of construction of school projects as authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight as amended; provided, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax	\$9,400,000 00
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School Lunch and Commodity Distribution Program.

2613-09	For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and if necessary for supplementing federal funds allocated for the special milk program; provided, that notwithstanding any provisions of law to the contrary, reimbursements so authorized to be paid from state funds shall not exceed fifty per cent of the total reimbursement authorized by the national school lunch act; and, provided further, that a sum equivalent to the payments under this item shall be transferred to the General Fund from the receipts of the income tax	\$900,000 00
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Education of Deaf and Blind Pupils.

2613-10	For the reimbursement of certain cities and towns for day classes of the deaf and of the blind, as provided by sections twenty-eight and thirty-three of chapter sixty-nine of the General Laws	\$105,000 00
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Teachers' Retirement Board.

2613-11	For reimbursement of certain cities and towns for pensions to retired teachers	\$2,275,000 00
2613-16	For the payment of retirement assessments of teachers formerly in military or naval service, as authorized by section nine of chapter seven hundred and eight of the acts of nineteen hundred and forty-one, as amended, prior appropriation continued.	

Total \$2,275,000 00

Division of Youth Service.

Item		
2613-12	For reimbursement of cities and towns for tuition of children attending public schools .	\$1,600 00
2613-15	For the reimbursement of cities and towns for part of the cost of employing school adjustment counsellors, as authorized by section forty-six G of chapter seventy-one of the General Laws	196,000 00
	Total	<u>\$197,600 00</u>
	Total, Department of Education	<u>\$22,235,600 00</u>

Service of the Department of Public Welfare.

2619-01	For the payment of suitable aid to certain dependent children	\$7,995,000 00
2619-02	For the burial by cities and towns of indigent persons who have no legal settlement	10,000 00
2619-03	For expenses in connection with small pox and other diseases dangerous to the public health	100,000 00
2619-04	For the support of sick indigent persons who have no legal settlement	600,000 00
2619-05	For temporary aid given by cities and towns to indigent persons with no legal settlement, and to shipwrecked seamen, and for the transportation of indigent persons under the charge of the department	2,000,000 00
2619-06	For the reimbursement of cities and towns for total and permanent disability assistance, as provided by chapter one hundred and eighteen D of the General Laws	4,800,000 00
2619-07	For tuition in the public schools, including transportation to and from school, of children boarded by the department, for the twelve months ending June thirtieth, nineteen hundred and fifty-eight	620,000 00
2619-08	For reimbursement to cities and towns for old age assistance, as provided by law	34,500,000 00
2619-09	Notwithstanding the provisions of section ten of chapter sixty-four B of the General Laws regulating payments from receipts under said chapter to cities and towns, heretofore made without appropriation, a sum not exceeding one million seven hundred and fifty thousand dollars is hereby appropriated from the General Fund for such payments, and the total amounts to be paid by the state treasurer on or before November twentieth, nineteen hundred and fifty-eight, from the sum herein appropriated, shall be not less than one million seven hundred and fifty thousand dollars	2,500,000 00
	Total, Department of Public Welfare	<u>\$53,125,000 00</u>

Service of the Department of Public Health.

Bureau of Tuberculosis and Institutions.

2620-01	For the payment of subsidies for tubercular patients in certain hospitals	\$304,000 00
	Total, Department of Public Health	<u>\$304,000 00</u>

APPROPRIATIONS MADE FROM THE HIGHWAY FUND.

Service of the Department of Public Works.

Highway Activities.

Item		
2900-17	For projects for the construction and maintenance of town and county ways, as provided in subdivision two (a) of section thirty-four of chapter ninety of the General Laws; provided, that amounts made available by this item in any fiscal year shall be available for expenditure in the succeeding fiscal year; and, further provided, that not less than three hundred thousand dollars of the sum herein appropriated shall be available for maintenance projects on said town and county ways	\$5,000,000 00
2900-18	For aiding cities and towns in the repair and improvement of public ways, as provided by section twenty-six of chapter eighty-one of the General Laws; except, that the state's contribution shall be at an annual rate not to exceed two hundred and seventy-five dollars per mile for the calendar year nineteen hundred and fifty-nine, the provisions of chapter six hundred and eighty-nine of the acts of nineteen hundred and forty-five and chapter seven hundred and six of the acts of nineteen hundred and forty-nine notwithstanding; and, provided, that the amount appropriated for the purpose in any fiscal year shall be available for expenditure in the succeeding fiscal year	2,600,000 00
Total, Department of Public Works		<u>\$7,600,000 00</u>

DEBT SERVICE APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Interest and Redemption of Debt.

2410-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amount appropriated in item 2951-00, prior appropriation continued	\$5,576,078 00
2420-00	For certain serial bonds maturing, to be in addition to the amount appropriated in item 2952-00, prior appropriation continued; provided, that to reimburse the General Fund for the cost of debt service on account of highway expenditures made in accordance with the provisions of chapter six hundred and eighty-nine of the acts of nineteen hundred and fifty-four, as amended, the comptroller shall transfer to the General Fund the sum of two hundred and forty-six thousand two hundred dollars from the Highway Fund	22,658,350 00
Total, Interest and Redemption of Debt		<u>\$28,234,428 00</u>

APPROPRIATIONS MADE FROM THE HIGHWAY FUND.

Interest and Redemption of Debt.

2951-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amount appropriated in item 2410-00, prior appropriation continued	\$10,432,513 00
2952-00	For certain serial bonds maturing, to be in addition to the amount appropriated in item 2420-00, prior appropriation continued	24,769,100 00
Total, Interest and Redemption of Debt		<u>\$35,201,613 00</u>

APPROPRIATIONS PAYABLE FROM THE STATE RECREATION AREAS FUND.

Item	Interest and Redemption of Debt.	
4081-00	For the payment of interest on certain bonded debt of the commonwealth, to be in addition to any amounts otherwise available for the purpose, prior appropriation continued	\$160,083 00
4082-00	For certain serial bonds maturing, to be in addition to any amounts otherwise available for the purpose, prior appropriation continued	370,000 00
Total, Interest and Redemption of Debt		<u>\$530,083 00</u>

SECTION 3. Wherever, in section two of this act, it is provided that transfers shall be made from a fund, account or receipts, of a specific sum, a percentage of payments, or a sum equivalent to payments, such transfers of a specific sum shall be made upon the effective date of this act, and all others shall be made quarterly unless otherwise provided; except, that at the close of a fiscal year, the amount equivalent to payments in a continuing account shall be construed to mean the amount of such appropriation.

SECTION 4. No moneys appropriated under this act shall be expended for reimbursement for the expenses of meals for persons while traveling within or without the commonwealth at the expense thereof, unless such reimbursement is in accordance with rules and rates established in accordance with section twenty-eight of chapter seven of the General Laws.

SECTION 5. The allowance to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed eight cents a mile.

No payment shall be made or obligation incurred for the garaging of any passenger vehicle owned by the commonwealth and operated by an employee thereof as transportation from his place or places of employment to the vicinity of his residence, and no payment shall be made or obligation incurred for the garaging of any motor vehicle in private garages under any circumstances except upon prior approval by the commission on administration and finance.

SECTION 6. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the joint committee on ways and means, and, except as otherwise shown by the files of said committee, a copy of which shall be deposited with the division of personnel and standardization, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general act to the contrary; provided, that no vacancy occurring in any permanent position included in said schedules of permanent positions, excepting in the services of the legislature or the judiciary, or of institutions under the jurisdiction of the departments of mental health, correction, public welfare and public health, and the

youth service board, the Soldiers' Home in Massachusetts, the Soldiers' Home in Holyoke and the University of Massachusetts, and excepting positions which are subject to appointment by the governor, with or without the consent of the council, may be filled in any manner without approval by the commission on administration and finance.

SECTION 7. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and fifty-nine shall be available for the payment of such other forms of compensation as may be due under existing statutes, or under the provisions of rules and regulations made in accordance with said statutes.

SECTION 8. All federal subventions and grants available to the commonwealth under any act of congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth; provided, however, that applications for such subventions and grants, and for transfers within such subventions and grants, shall be subject to the approval of the commission on administration and finance. All federal subventions and grants received by the commonwealth may be expended without specific appropriation if such expenditures are otherwise in accordance with law.

SECTION 9. Notwithstanding the provisions of section fifty-one of chapter thirty of the General Laws, or any other provision of law; the state purchasing agent is hereby authorized during the fiscal year nineteen hundred and fifty-nine to incur liabilities and incidental expenses for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so called, by the federal government through agencies of the federal government, in an amount not exceeding three hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose, and the comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding three hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose.

SECTION 10. No agency of the commonwealth receiving an appropriation under section two of this act shall make any expenditure for any document regularly printed, mimeographed or prepared in any other way, whether for outside or interdepartmental circulation unless publication of such document shall have been approved by the state purchasing agent.

SECTION 11. Notwithstanding the salary schedule adopted in chapter seven hundred and twenty-nine of the acts of nineteen hundred and fifty-six or any other provision of law, the rate of compensation of each officer and employee whose position is classified under the provisions of chapter thirty of the General Laws shall be limited to an increase not in excess of one thousand dollars per annum over the rate paid to such employee on September thirtieth, nineteen hundred and fifty-six; provided, however, that any such employee may receive an increase in excess of one thousand dollars if said increase is the result of a step-in-range duly authorized by law; and, further provided, that on and after October first, nineteen hundred and fifty-seven, any officer or employee who has been prevented from receiving the maximum of his salary range by the provisions of section nine of chapter seven hundred and forty-six of the acts of nineteen hundred and fifty-six or of corresponding sections in succeeding appropriation acts shall, on completing a year of service at the rate of compensation as so limited, receive an annual increase of

an amount equal to a step in range of the job group to which his title is assigned or an increase to the maximum of the range, whichever is the lesser.

SECTION 12. Notwithstanding the provisions of paragraph (1) of section forty-six of chapter thirty of the General Laws, a salary differential is hereby authorized to be paid, in accordance with rules and regulations to be established by the director of the division of personnel and standardization, with the approval of the commission on administration and finance, to employees in the nursing services who are employed on evening or night tours of duty, and the establishment of such rules and regulations shall not be subject to chapter thirty A of the General Laws.

SECTION 13. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and fifty-nine for the purposes of the surplus property agency fund, in addition to amounts available in said fund, an amount not exceeding fifty thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid fifty thousand dollar authorization in excess of amounts approved therefrom by the commission on administration and finance, at the written request of the surplus property agency; and, further provided, that any amounts expended or commitments incurred under this authorization shall be paid or provided for from receipts of said surplus property agency fund prior to the close of the fiscal year.

SECTION 14. The effective date of the appropriation accounts, subsidiary accounts and authorizations in section two of this act shall be July first, nineteen hundred and fifty-eight. However, beginning June first, nineteen hundred and fifty-eight, obligations may be incurred against these appropriation accounts or subsidiary accounts, if any, thereunder, for items to be delivered or for services to be rendered on and after July first, nineteen hundred and fifty-eight; provided, they are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. Where the allotment of an appropriation account or subsidiary account is a condition precedent to expenditure, the obligations shall not exceed the amount allotted for said appropriation account or subsidiary account. The certified copies of the schedules as provided for in section twenty-seven of chapter twenty-nine of the General Laws shall be filed with the comptroller and the budget commissioner to permit the effective operation of this section on June first, nineteen hundred and fifty-eight. Where the allotment of an appropriation account or subsidiary account is required by law, allotments shall be made to permit the effective operation of this section on June first, nineteen hundred and fifty-eight.

SECTION 15. Notwithstanding any provision of law to the contrary, during the entire fiscal year nineteen hundred and fifty-nine, for the payment of classified personal services, the fiscal year shall be from July first, nineteen hundred and fifty-eight, through June twenty-seventh, nineteen hundred and fifty-nine. Classified personal services for June twenty-eighth, twenty-ninth and thirtieth, nineteen hundred and fifty-nine, shall be charged to the next fiscal year.

SECTION 16. Notwithstanding any law to the contrary, the unexpended balances remaining on the books of account of the state comptroller in accounts in the General Fund which are authorized by law to be carried forward to the succeeding fiscal year shall on June thir-

tieth, nineteen hundred and fifty-eight, revert to the commonwealth, and the amounts of encumbrances outstanding in said accounts on June thirtieth, nineteen hundred and fifty-eight, shall be transferred to the fiscal year nineteen hundred and fifty-nine. The amounts so reverting are hereby reappropriated for the fiscal year nineteen hundred and fifty-nine and shall also be available for the payment of said encumbrances.

SECTION 17. The budget commissioner is hereby directed to send a copy of sections three to fifteen, inclusive, of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 18. Sections one to thirteen of this act shall take effect on July first, nineteen hundred and fifty-eight; sections fourteen through seventeen shall take effect upon the passage of this act.

Approved June 30, 1958.

CHAP. 435. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT, SUPPLEMENTING CERTAIN ITEMS CONTAINED THEREIN AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND FIFTY-NINE FOR THE STATE AIRPORT MANAGEMENT BOARD, THE PORT OF BOSTON COMMISSION AND THE NEW BEDFORD STATE PIER.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for the maintenance of the services of the state airport management board, the port of Boston commission and the New Bedford state pier, the sums set forth in section two of this act, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the General Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, nineteen hundred and fifty-nine, in this act referred to as the year nineteen hundred and fifty-nine, or for such period as may be specified.

SECTION 2.

STATE PURPOSES APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Boards and Commissions serving under Governor and Council.

State Airport Management Board.

Item		
0492-01	For the service of the state airport management board, including not more than eight permanent positions	\$48,059 00
0493-01	For the operation of the Logan airport, including not more than one hundred and thirty-two permanent positions	640,936 00
0494-01	For the operation of the Hanscom field, including not more than eight permanent positions	37,692 00
	Total	\$726,687 00

Service of the Port of Boston Commission.

Item		
0496-01	For expenses of administration, including not more than thirty-nine permanent positions; provided, that no compensation or expense of consultants for legal services shall be chargeable to this item	\$192,640 00
0496-02	For the operation and maintenance of property under the control of the commission, including not more than fifty-four permanent positions	192,648 00
Total		\$385,288 00

Service of the Department of Public Works.

Division of Waterways.

2202-07	For the operation and maintenance of the New Bedford state pier, including not more than three permanent positions	\$15,051 00
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DEBT SERVICE APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Interest and Redemption of Debt.

2410-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amount appropriated in item 2951-00, prior appropriation continued	\$235,453 00
2420-00	For certain serial bonds maturing, to be in addition to the amount appropriated in item 2952-00, prior appropriation continued; provided, that to reimburse the General Fund for the cost of debt service on account of highway expenditures made in accordance with the provisions of chapter six hundred and eighty-nine of the acts of nineteen hundred and fifty-four, as amended, the comptroller shall transfer to the General Fund the sum of two hundred and forty-six thousand two hundred dollars from the Highway Fund	1,120,000 00
Total, Interest and Redemption of Debt		\$1,355,453 00

SECTION 3. Wherever, in section two of this act, it is provided that transfers shall be made from a fund, account or receipts, of a specific sum, a percentage of payments, or a sum equivalent to payments, such transfers of a specific sum shall be made upon the effective date of this act, and all others shall be made quarterly unless otherwise provided; except, that at the close of a fiscal year, the amount equivalent to payments in a continuing account shall be construed to mean the amount of such appropriation.

SECTION 4. No moneys appropriated under this act shall be expended for reimbursement for the expenses of meals for persons while traveling within or without the commonwealth at the expense thereof, unless such reimbursement is in accordance with rules and rates established in accordance with section twenty-eight of chapter seven of the General Laws.

SECTION 5. The allowance to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed eight cents a mile.

No payment shall be made or obligation incurred for the garaging of any passenger vehicle owned by the commonwealth and operated by an employee thereof as transportation from his place or places of employment to the vicinity of his residence, and no payment shall be made or obligation incurred for the garaging of any motor vehicle in private garages under any circumstances except upon prior approval by the commission on administration and finance.

SECTION 6. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the joint committee on ways and means, and, except as otherwise shown by the files of said committee, a copy of which shall be deposited with the division of personnel and standardization, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general act to the contrary; provided, that no vacancy occurring in any permanent position included in said schedules of permanent positions, excepting in the services of the legislature or the judiciary, or of institutions under the jurisdiction of the departments of mental health, correction, public welfare and public health, and the youth service board, the Soldiers' Home in Massachusetts, the Soldiers' Home in Holyoke and the University of Massachusetts, and excepting positions which are subject to appointment by the governor, with or without consent of the council, may be filled in any manner without approval by the commission on administration and finance.

SECTION 7. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and fifty-nine shall be available for the payment of such other forms of compensation as may be due under existing statutes, or under the provisions of rules and regulations made in accordance with said statutes.

SECTION 8. All federal subventions and grants available to the commonwealth under any act of congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth; provided, however, that applications for such subventions and grants, and for transfers within such subventions and grants, shall be subject to the approval of the commission on administration and finance. All federal subventions and grants received by the commonwealth may be expended without specific appropriation if such expenditures are otherwise in accordance with law.

SECTION 9. Notwithstanding the provisions of section fifty-one of chapter thirty of the General Laws, or any other provision of law, the state purchasing agent is hereby authorized during the fiscal year nineteen hundred and fifty-nine to incur liabilities and incidental expenses for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so called, by the federal government through agencies of the federal government, in an amount not exceeding three hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose, and the comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding three hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose.

SECTION 10. No agency of the commonwealth receiving an appropriation under section two of this act shall make any expenditure for any document regularly printed, mimeographed or prepared in any other way, whether for outside or interdepartmental circulation unless publication of such document shall have been approved by the state purchasing agent.

SECTION 11. Notwithstanding the salary schedule adopted in chapter seven hundred and twenty-nine of the acts of nineteen hundred and fifty-six or any other provision of law, the rate of compensation of each officer and employee whose position is classified under the provisions of chapter thirty of the General Laws shall be limited to an increase not in excess of one thousand dollars per annum over the rate paid to such employee on September thirtieth, nineteen hundred and fifty-six; provided, however, that any such employee may receive an increase in excess of one thousand dollars if said increase is the result of a step-in-range duly authorized by law; and, further provided, that on and after October first, nineteen hundred and fifty-seven, any officer or employee who has been prevented from receiving the maximum of his salary range by the provisions of section nine of chapter seven hundred and forty-six of the acts of nineteen hundred and fifty-six or of corresponding sections in succeeding appropriation acts shall, on completing a year of service at the rate of compensation as so limited, receive an annual increase of an amount equal to a step in range of the job group to which his title is assigned or an increase to the maximum of the range, whichever is the lesser.

SECTION 12. Notwithstanding the provisions of paragraph (1) of section forty-six of chapter thirty of the General Laws, a salary differential is hereby authorized to be paid, in accordance with rules and regulations to be established by the director of the division of personnel and standardization, with the approval of the commission on administration and finance, to employees in the nursing services who are employed on evening or night tours of duty, and the establishment of such rules and regulations shall not be subject to chapter thirty A of the General Laws.

SECTION 13. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and fifty-nine for the purposes of the surplus property agency fund, in addition to amounts available in said fund, an amount not exceeding fifty thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid fifty thousand dollar authorization in excess of amounts approved therefrom by the commission on administration and finance, at the written request of the surplus property agency; and, further provided, that any amounts expended or commitments incurred under this authorization shall be paid or provided for from receipts of said surplus property agency fund prior to the close of the fiscal year.

SECTION 14. The effective date of the appropriation accounts, subsidiary accounts and authorizations in section two of this act shall be July first, nineteen hundred and fifty-eight. However, beginning June first, nineteen hundred and fifty-eight, obligations may be incurred against these appropriation accounts or subsidiary accounts, if any, thereunder, for items to be delivered or for services to be rendered on and after July first, nineteen hundred and fifty-eight; provided, they

are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. Where the allotment of an appropriation account or subsidiary account is a condition precedent to expenditure, the obligations shall not exceed the amount allotted for said appropriation account or subsidiary account. The certified copies of the schedules as provided for in section twenty-seven of chapter twenty-nine of the General Laws shall be filed with the comptroller and the budget commissioner to permit the effective operation of this section on June first, nineteen hundred and fifty-eight. Where the allotment of an appropriation account or subsidiary account is required by law, allotments shall be made to permit the effective operation of this section on June first, nineteen hundred and fifty-eight.

SECTION 15. Notwithstanding any provision of law to the contrary, during the entire fiscal year nineteen hundred and fifty-nine, for the payment of classified personal services, the fiscal year shall be from July first, nineteen hundred and fifty-eight, through June twenty-seventh, nineteen hundred and fifty-nine. Classified personal services for June twenty-eighth, twenty-ninth and thirtieth, nineteen hundred and fifty-nine, shall be charged to the next fiscal year.

SECTION 16. Notwithstanding any law to the contrary, the unexpended balances remaining on the books of account of the state comptroller in accounts in the General Fund which are authorized by law to be carried forward to the succeeding fiscal year shall on June thirtieth, nineteen hundred and fifty-eight, revert to the commonwealth, and the amounts of encumbrances outstanding in said accounts on June thirtieth, nineteen hundred and fifty-eight, shall be transferred to the fiscal year nineteen hundred and fifty-nine. The amounts so reverting are hereby reappropriated for the fiscal year nineteen hundred and fifty-nine and shall also be available for the payment of said encumbrances.

SECTION 17. The budget commissioner is hereby directed to send a copy of sections three to fifteen, inclusive, of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 18. Sections one to thirteen of this act shall take effect on July first, nineteen hundred and fifty-eight; sections fourteen through seventeen shall take effect upon the passage of this act.

Approved June 30, 1958.

CHAP. 436. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN FUNDS AUTHORIZED TO BE RAISED FOR THE ALLEVIATION OF CERTAIN FINANCIAL BURDENS IMPOSED BY THE RAINS OF AUGUST EIGHTEENTH AND NINETEENTH AND OCTOBER FIFTEENTH, SIXTEENTH AND SEVENTEENTH, NINETEEN HUNDRED AND FIFTY-FIVE, AND BY THE FLOODS CAUSED BY SAID RAINS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the time within which certain unencumbered funds remaining in the hands of the commission on administration and finance on June thirtieth, nineteen hundred and fifty-eight, may be used for the purpose of alleviating financial burdens imposed by the rains of August eighteenth and nineteenth and October fifteenth, sixteenth and seventeenth, nineteen hundred and fifty-five, and by the

floods caused by said rains, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making available for expenditure certain balances of funds authorized by chapter two hundred and eight of the acts of nineteen hundred and fifty-six, which would otherwise revert on June thirtieth, nineteen hundred and fifty-eight, under the provisions of section two of said chapter two hundred and eight, as amended by chapter four hundred and fifty-five of the acts of nineteen hundred and fifty-seven, the sum of seven hundred and eighty thousand dollars is hereby made available for expenditure until June thirtieth, nineteen hundred and fifty-nine.

SECTION 2. Section 2 of chapter 730 of the acts of 1957 is hereby amended by striking out, in line 7, the word "ten" and inserting in place thereof the word: — eight.

Approved June 30, 1958.

CHAP. 437. AN ACT EXTENDING THE PERIOD OF TIME DURING WHICH PERSONS ATTENDING INDUSTRIAL RETRAINING OR OTHER VOCATIONAL COURSES MAY RECEIVE UNEMPLOYMENT BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay the extension of benefits for unemployed persons taking certain courses, thereby alleviating the problems of unemployment now existing throughout the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 151A of the General Laws, as amended by section 8 of chapter 763 of the acts of 1951, is hereby further amended by adding at the end the following paragraph: —

An individual who is certified as attending an industrial retraining course or other vocational training course as provided under section thirty shall be deemed to be available for work under clause (b) of the first paragraph of this section.

SECTION 2. Said chapter 151A is hereby further amended by striking out section 30, as most recently amended by section 6 of chapter 719 of the acts of 1956, and inserting in place thereof the following section: —

Section 30. The total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-four per cent of his wages in the base period, or an amount equal to twenty-six times his benefit rate, whichever is the lesser, plus dependency benefits payable under section twenty-nine. If such amount includes a fractional part of a dollar, it shall be raised to the next highest dollar.

Notwithstanding the provisions of this section, the total benefits which an unemployed individual may receive shall be extended by eighteen times his benefit rate if such individual is certified as attending an industrial retraining course provided by the department of education of the commonwealth in a vocational school of the commonwealth or a political subdivision thereof or such other vocational training course

which in the opinion of the director will serve as a means of realizing employment; provided, that such additional benefits shall be paid to the individual only while attending such course; and provided, further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account.

Approved June 30, 1958.

CHAP. 438. AN ACT AUTHORIZING THE DESIGNATION OF CERTAIN CLERGYMEN TO SOLEMNIZE CERTAIN SPECIFIED MARRIAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the authority of the governor relative to the designation of certain ministers of the gospel and rabbis to perform marriages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 207 of the General Laws is hereby amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 39.* The governor may in his discretion designate a justice of the peace in each town and such further number, not exceeding one for every five thousand inhabitants of a city or town, as he considers expedient, to solemnize marriages, and may for cause at any time revoke such designation. The state secretary, upon payment of five dollars to him by a justice of the peace so designated, shall issue to him a certificate of such designation. The governor may also in his discretion designate any minister of the gospel or rabbi, irrespective of his place of residence, to solemnize any specified marriage, and the state secretary shall issue to him a certificate of such designation. A minister or rabbi so designated, after qualifying under said certificate, may solemnize said marriage in any place within the commonwealth.

Approved July 1, 1958.

CHAP. 439. AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF EMPLOYMENT SECURITY TO ENTER INTO CERTAIN AGREEMENTS WITH THE UNITED STATES IN ORDER TO OBTAIN ADDITIONAL BENEFITS FOR CERTAIN UNEMPLOYED PERSONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to alleviate immediately the distress of the unemployed by authorizing the director of the division of employment security to enter into agreements with the United States whereby additional benefits will be paid to certain unemployed persons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

The director of the division of employment security is hereby authorized to enter into an agreement with the Secretary of Labor of the United States under which the director may make payments of benefits as compensation for wage losses due to unemployment in accordance

with the terms and provisions of chapter one hundred and fifty-one A of the General Laws for an additional period not to exceed fifty per cent of the amount specified in section thirty of said chapter one hundred and fifty-one A to those individuals who, after June thirtieth, nineteen hundred and fifty-seven, have exhausted their benefits, and may make such arrangements as may be necessary to obtain funds from the United States or any agency thereof to carry out these purposes. The director is hereby authorized to receive and disburse such funds in accordance with any agreement executed pursuant to this act.

Approved July 1, 1958.

CHAP. 440. AN ACT PROHIBITING THE HUNTING OF CERTAIN WILD OR UNDOMESTICATED BIRDS.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 53, as amended by chapter 172 of the acts of 1947, and inserting in place thereof the following section: — *Section 53.* Whoever, except as otherwise provided in this chapter, hunts or has in his possession a wild or undomesticated bird, except an English sparrow, bronzed or purple grackle (crow blackbird), crow, jay or starling, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated bird, except such as are not protected by this section, shall be punished by a fine of not less than twenty nor more than fifty dollars for each bird taken, killed or had in possession or for each nest or egg disturbed, destroyed, possessed or taken, or, in case the complaint relates only to hunting, by a fine of not less than twenty nor more than fifty dollars for the offence; but an owner or tenant of land, or, if authorized by such owner or tenant, any member of his family or person permanently employed thereon, may kill or attempt to kill any wild bird which he has reasonable cause to believe has damaged or is about to damage any property, including domesticated animals, poultry and game on game-rearing farms or preserves, and a person who has a certificate from the director that he is engaged in the scientific study of ornithology or is collecting in the interests of a scientific institution may at any time take or kill, or take the nests or eggs of, a wild or undomesticated bird, except woodcock, ruffed grouse and quail. This section shall not authorize a person to enter upon private grounds without the consent of the owner thereof for the purpose of taking nests or eggs or killing birds. No city, town, county or private organization shall offer or pay bounties for the killing or taking of any bird.

Approved July 1, 1958.

CHAP. 441. AN ACT RELATIVE TO THE APPROVAL OF CERTAIN PROPOSED CORPORATIONS.

Be it enacted, etc., as follows:

Chapter 155 of the General Laws is hereby amended by inserting after section 2A, inserted by chapter 490 of the acts of 1955, the following section: — *Section 2B.* Before approving articles of organization in connection with the proposed incorporation of a dispensary or clinic, hospital, sanatorium, convalescent or nursing home, infirmary, rest

home, or like institution requiring a license from the department of public health or before approving an amendment to such articles of organization of an existing corporation which will give it such power, the commissioner of corporations and taxation shall refer such articles or amendments thereto to the department of public health, which shall immediately make an investigation as to the applicants for incorporation, the corporation or the petitioners, as the case may be, and the purposes thereof, and of all material facts, including facts tending to show that the probable purpose is to cover any illegal business, or that the applicants, corporation or petitioners are not suitable persons from lack of financial ability or from any other cause, and facts as to the present need for an organization with such purposes at the time and place and with respect to the special circumstances set forth in such articles, amendment or petition. The department of public health shall give the applicant or applicants a public hearing, notice of which shall be published once a week for three successive weeks in some paper published in the county where the corporation has or is to have its principal office or rooms, and if said office or rooms are to be in Boston, in some Boston daily paper, the last publication to be at least three days before the day set for the hearing. After such hearing, the commissioner of public health shall make findings of fact as to such purposes, need and suitability, and in accordance therewith shall approve or disapprove such articles, amendment or petition. Thereupon he shall report such findings and action to the commissioner of corporations and taxation. If the commissioner of public health approves the articles, amendment or petition, the commissioner of corporations and taxation shall accept the findings of fact made and reported to him by the commissioner of public health. If the commissioner of public health disapproves the application, the commissioner of corporations and taxation shall refuse to approve the articles of organization, amendment, or petition, as the case may be. If he refuses, the applicant or applicants may appeal to the superior court, which shall hear the case and finally determine whether or not the articles of organization or an amendment thereof shall be approved. For the purposes of such appeal, failure by the department of public health to report to the commissioner of corporations and taxation within three months after the date of reference to it by him of articles, an amendment, or petition, as herein provided, shall be deemed to be a report to him with disapproval by the commissioner of public health, and failure of the commissioner of corporations and taxation to approve or disapprove articles, an amendment, or petition, within four months after their original submission to him by the applicant or applicants shall be deemed to be a refusal by him to approve them.

Approved July 1, 1958.

CHAP. 442. AN ACT PROVIDING THAT A CERTIFICATE OF RECORD OF A LABEL SHALL BE CANCELLED AFTER TWENTY YEARS UNLESS THE SAME IS RENEWED.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 110 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following paragraph: —

When any label shall have been recorded for twenty years, or when twenty years has elapsed from the date of the last renewal thereof, the secretary shall give notice to the owner or assignee of record thereof by registered mail that the said certificate of record will be cancelled if it is not renewed within six months after the date of such notice, and shall cancel any such certificate of record which is not renewed as hereinafter provided. Said owner or assignee of record of such label may renew the same upon the filing within said six months of an application for renewal accompanied by a renewal fee of ten dollars and by a written declaration, sworn to by or on behalf of said owner or assignee, that the label has not been abandoned. The secretary shall thereupon issue a certificate of such renewal.

SECTION 2. The provisions of this act shall apply to certificates of record issued before as well as after the effective date hereof.

Approved July 1, 1958.

CHAP. 443. AN ACT TRANSFERRING THE CONTROL AND MAINTENANCE OF THE DRAWBRIDGE OVER BROAD CANAL AT FIRST STREET IN THE CITY OF CAMBRIDGE TO THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The state department of public works is hereby authorized and directed to transfer to the metropolitan district commission the control and maintenance of the drawbridge over Broad Canal at First street in the city of Cambridge.

SECTION 2. All persons regularly employed in the operation of said drawbridge and the drawbridge over said Broad Canal at Third street in said city of Cambridge on the date of the transfer, as provided in section one, shall be transferred to the service of the metropolitan district commission without impairment of their civil service, retirement or other rights, including vacation or sick leave, and at a rate of compensation equal to that paid by the commission to its employees in positions similar to the one from which the employee is transferred; provided, that in no case shall the salary of any person so transferred be reduced below the amount of his salary on the date of such transfer, and that the classification and salaries of the positions of the employees so transferred shall be established by the division of personnel.

It is hereby further provided that employees transferred to the service of the metropolitan district commission under this section shall also operate the drawbridge over said Broad Canal at Third street in said city and that the city of Cambridge shall reimburse the commission for one third of the cost of the salaries of the positions of the employees engaged in the operation of said drawbridges on and after the effective date of this act.

SECTION 3. On and after the effective date of this act the care, control, maintenance and policing of that portion of Commercial avenue in the city of Cambridge which lies between Lechmere Canal and First street and of that portion of First street between Commercial avenue and Broad Canal shall be vested in the metropolitan district commission.

SECTION 4. This act shall take effect upon its passage.

Approved July 1, 1958.

CHAP. 444. AN ACT PROVIDING FOR NOTICE BY REGISTERED MAIL TO A DEFENDANT OF THE SERVICE OF PROCESS ON THE STATE SECRETARY IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section 5 of chapter 227 of the General Laws is hereby amended by striking out the last two sentences, as appearing in chapter 360 of the acts of 1955, and inserting in place thereof the two following sentences: — If such individual or partnership fails to appoint an agent and does business in this commonwealth, service of process, in duplicate, may be made upon the state secretary. The secretary shall, upon a payment of a fee of five dollars by the plaintiff, give notice to the defendant of said action by mailing by registered mail, return receipt requested, a copy of the legal process to the defendant's last known address which shall be furnished to the secretary by the plaintiff or his attorney.

Approved July 1, 1958.

CHAP. 445. AN ACT AUTHORIZING THE TRANSFER OF A CERTAIN PARCEL OF PARK LAND IN THE CITY OF NEW BEDFORD FROM THE BOARD OF PARK COMMISSIONERS TO THE BOARD OF TRUSTEES OF THE FREE PUBLIC LIBRARY OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the city of New Bedford is hereby authorized to transfer, free from all restrictions, to the board of trustees of the free public library of said city, a certain parcel of land in said city acquired for park or other recreational purposes, and bounded and described as follows: —

Beginning at the point of intersection of the westerly line of Rockdale Avenue with the southerly line of Lake Street; thence westerly in said southerly line of Lake Street a distance of two hundred twenty-five (225) feet to a point; thence southerly in a line, parallel to and two hundred twenty-five (225) feet from the westerly line of Rockdale Avenue a distance of two hundred twenty-five (225) feet to a point; thence easterly in a line, parallel to and two hundred twenty-five (225) feet from the southerly line of Lake Street, a distance of two hundred twenty-five (225) feet to a point in the westerly line of Rockdale Avenue; thence northerly in said westerly line of Rockdale Avenue a distance of two hundred twenty-five (225) feet to the point of beginning; containing 50,625 square feet, being a portion of Buttonwood Park in said city.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of New Bedford, in accordance with the provisions of its charter, but not otherwise. *Approved July 1, 1958.*

CHAP. 446. AN ACT AUTHORIZING THE TOWN OF LENOX TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Lenox, acting by its board of selectmen, is hereby authorized, in consideration of the payment of one hundred dollars, to sell and convey to Donald Cande, also known as Donald P. Cande, and Kathleen A. Cande, husband and wife, both of Lenox, a cer-

tain parcel of land therein, acquired by said town for park and playground purposes, bounded and described as follows: — Beginning at an iron pipe marking the Northwesterly corner of Parcel 2 of land conveyed by Frederick Cande to Donald Cande and Kathleen A. Cande by deed dated May 12, 1953 and recorded in Berkshire Middle District Registry of Deeds in Book 596, Page 465; thence running Southwesterly along the Northwesterly line of land of said Donald Cande and Kathleen A. Cande one hundred seventy-five feet; thence running Northwesterly at right angles forty feet to a point; thence running Northeasterly at right angles and parallel to the course first above described one hundred fifty-five feet to a point; thence running Southeasterly at right angles twenty feet to a point; thence running Northeasterly at right angles and parallel to the course first above described forty feet to a point; thence running Southeasterly at right angles sixty-five and seventeen one-hundredths feet to a point in the Northerly line of land of said Donald Cande and Kathleen A. Cande; thence running Westerly along said Northerly line of land of said Donald Cande and Kathleen A. Cande forty-nine and forty one-hundredths feet to the place of beginning. Being a portion of the so-called Aspinwall property purchased by the Town for Park and Playground purposes from Edward M. O'Connor et als., by deed dated July 31, 1956 and recorded in the Berkshire Middle District Registry of Deeds in Book 644, Page 338, and by corrective deed dated June 8, 1957 and recorded in said Registry of Deeds in Book 657, Page 188.

SECTION 2. This act shall take effect upon its passage.

Approved July 1, 1958.

CHAP. 447. AN ACT AUTHORIZING THE TOWN OF LENOX TO BORROW MONEY FOR WATER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Lenox, for the purpose of constructing a new dam and reservoir at the desilting reservoir site, may borrow from time to time, within three years from the passage of this act, such sums as may be necessary not exceeding, in the aggregate, one hundred and fifty-five thousand dollars, and may issue bonds or notes of the town therefor which shall bear on their face the words, Lenox Water Loan, Act of 1958. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be within the limit of the amount prescribed by the last paragraph of section eight of chapter forty-four of the General Laws, and, except as otherwise provided herein, shall be subject to the provisions of said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved July 1, 1958.

CHAP. 448. AN ACT DESIGNATING A PORTION OF THE SOUTHEAST EXPRESSWAY AS THE GENERAL CASIMIR PULASKI SKYWAY.

Be it enacted, etc., as follows:

SECTION 1. The highway known as the Southeast Expressway beginning at Northampton traffic circle and ending at Neponset circle

in the city of Boston shall be designated and known as the General Casimir Pulaski Skyway, in recognition of General Pulaski's illustrious service in the war for American independence. The department of public works is hereby authorized and directed to erect along said skyway suitable markers bearing said designation.

SECTION 2. This act shall take effect upon its passage.

Approved July 1, 1958.

CHAP. 449. AN ACT RELATIVE TO BLOOD TESTS IN ORDER TO CONTROL BRUCELLOSIS OF CATTLE IMPORTED INTO THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 129 of the General Laws is hereby amended by striking out section 36F, inserted by section 4 of chapter 527 of the acts of 1956, and inserting in place thereof the following section: — *Section 36F.* The director, his authorized agent or a veterinarian designated by the director shall make by random selection such blood tests for brucellosis of all cattle imported into the commonwealth which are over six months of age and unvaccinated or over thirty months of age whether or not officially vaccinated, as will effectively control brucellosis.

Approved July 1, 1958.

CHAP. 450. AN ACT PROVIDING FOR THE DESIGNATION OF A CHILDREN'S PLAYGROUND IN THE CITY OF SOMERVILLE AS THE JOHN J. MURPHY PLAYGROUND.

Be it enacted, etc., as follows:

SECTION 1. The children's playground at Saxton C. Foss Park in the city of Somerville is hereby designated as the John J. Murphy Playground in honor of John J. Murphy of said city, who lost his life during the invasion of Guadalcanal in World War II. The metropolitan district commission is hereby authorized and directed to place and erect a suitable tablet or marker thereon.

SECTION 2. This act shall take effect upon its passage.

Approved July 2, 1958.

CHAP. 451. AN ACT AUTHORIZING THE CITY OF MALDEN TO FUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet the Metropolitan Transit Authority deficit assessed against the city of Malden in nineteen hundred and fifty-eight, in the sum of four hundred and ninety-four thousand dollars, the city of Malden may borrow during the current year such sums not exceeding in the aggregate four hundred and ninety-four thousand dollars, as may be necessary, and may issue bonds or notes therefor which shall bear on their face the words, City of Malden Funding Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than three years from their dates. Indebtedness incurred under this act shall be

outside its debt limit as fixed by section ten of chapter forty-four of the General Laws, and, except as provided herein, shall be subject to the provisions of said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 2, 1958.

CHAP. 452. AN ACT VALIDATING THE ACTS AND PROCEEDINGS AT THE ADJOURNED SESSIONS OF THE ANNUAL TOWN MEETING OF THE TOWN OF NORWOOD IN THE YEAR NINETEEN HUNDRED AND FIFTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Norwood at the adjourned sessions of the annual town meeting, held on April twenty-eighth and twenty-ninth in the current year, and all acts done in pursuance thereof, are hereby confirmed and declared valid, notwithstanding the failure to give notice of the adjournments as required by law or the by-laws of said town, to the same extent as if the said adjourned sessions had been called, held, conducted and adjourned in strict compliance with the law and said by-laws.

SECTION 2. This act shall take effect upon its passage.

Approved July 8, 1958.

CHAP. 453. AN ACT RENAMING CERTAIN PORTIONS OF THE SAVOY STATE FOREST AND RELATED AREAS WHICH ARE SITUATED WITHIN THE TOWN OF FLORIDA.

Be it enacted, etc., as follows:

Those portions of the Savoy State Forest, the Savoy recreational area, the Monroe Lookout, the Monroe State Forest, which are situated in the town of Florida shall hereafter be known and designated as the Florida State Forest, the Florida Recreational Area, the Florida Lookout and the Florida State Forest.

Approved July 8, 1958.

CHAP. 454. AN ACT FURTHER EXTENDING THE CORPORATE EXISTENCE OF JOHNSON SECURITIES COMPANY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seven of chapter one hundred and fifty-six of the General Laws, Johnson Securities Company, whose term was continued for one year from July eighth, nineteen hundred and fifty-eight by chapter three hundred and ninety-eight of the acts of the current year, shall continue to be a corporation for a further term of fifty years from July eighth, nineteen hundred and fifty-nine, and shall during such further term have the powers and privileges and be subject to the duties, liabilities and restrictions set forth in its charter and in all general laws now or hereafter in force relating to such corporations.

Approved July 8, 1958.

CHAP. 455. AN ACT AUTHORIZING THE EAST WEYMOUTH CEMETERY SOCIETY TO SELL AND CONVEY A PORTION OF ITS REAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. The East Weymouth Cemetery Society, a duly organized cemetery corporation, hereinafter called the Society, may, subject to the provisions of section twelve of chapter two hundred and four of the General Laws, by deed duly executed and acknowledged in the name of and on behalf of the Society by its president and treasurer or any other officer or officers authorized by a vote of the members of the said Society, in accordance with the provisions of its by-laws, to act for and in behalf of said Society, convey and transfer, free and clear of any and all trusts and cemetery uses, to any person or persons, partnership, corporation or other business association, a certain portion of its real property at private sale or public auction, for a sum to be determined by the directors of said Society to be just and equitable, subject, however, to the ratification of the said conveyance and transfer as provided in section two. Said portion shall consist of

A certain parcel of land situated in that part of Weymouth known as East Weymouth, being shown as "A" on "Plan of Land in Weymouth, Norfolk County, Mass., Dec. 23, 1957, Paul J. Knight, Surveyor, West Hanover, Mass." being bounded and described as follows:

Beginning at a point on the EASTERLY side of Pleasant Street one hundred eighty-three and 72/100 (183.72) feet N 15° 00' 00" E of a Stone Bound and on the SOUTHERLY side of a Granite Post at the NORTHERLY corner of land of Lillian Wyman et al; thence running N 15° 00' 00" E along said Pleasant Street two hundred and 50/100 (200.50) feet to a point; thence running in the same general direction by a curve to the right with a radius of 181.28 feet a distance of twenty-seven and 10/100 (27.10) feet to a point at land of Mary E. and Catharine E. Connell; thence turning and running

S 68° 41' 40" E, three hundred forty-nine and 82/100 (349.82) feet to a point in Elias's Pond; thence turning and running

S 3° 19' 00" W, three hundred twenty-one and 50/100 (321.50) feet to an Iron Pin in a Stone Post at land of Lillian Wyman et al; thence turning and running

N 56° 57' 20" W, two hundred sixty-two and 13/100 (262.13) feet along said land of Lillian Wyman et al to the Center of a Stone Post; thence running

N 59° 52' 20" W, one hundred seventy-one and 66/100 (171.66) feet along said land of Lillian Wyman et al to the point of beginning.

Containing 2.29 acres according to said plan.

SECTION 2. Any conveyance and transfer of the land described in section one shall become effective upon a two-thirds vote of the members of the corporation present at a meeting duly called for that purpose, ratifying said conveyance and transfer, and the recording of a duly certified copy of said vote with the registry of deeds of the county wherein the said land is located.

Approved July 8, 1958.

CHAP. 456. AN ACT RELATIVE TO THE HOLDING OF PROPERTY BY THE UNIVERSITY OF MASSACHUSETTS BUILDING ASSOCIATION AND THE LEASING OF CERTAIN STATE LAND TO SAID CORPORATION.

Whereas, The deferred operation of this act would unnecessarily delay the construction by University of Massachusetts Building Association of housing facilities urgently needed at the University of Massachusetts and thereby impair the carrying out by said University of its public educational program, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. University of Massachusetts Building Association, incorporated under the name of Massachusetts State College Building Association by section one of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-nine, is hereby authorized to hold, for the purposes set forth in said chapter, real and personal estate to an amount not exceeding seven million dollars, in addition to the amount of real and personal estate which may be held by said corporation under authority of said chapter and of chapter three hundred and ninety of the acts of nineteen hundred and forty-five, chapter three hundred and fifty-two of the acts of nineteen hundred and forty-six, chapter one hundred and eighty-five of the acts of nineteen hundred and forty-eight, chapter four hundred and fourteen of the acts of nineteen hundred and fifty, chapter two hundred and eleven of the acts of nineteen hundred and fifty-two, chapter three hundred and fifty-six of the acts of nineteen hundred and fifty-three, chapter four hundred of the acts of nineteen hundred and fifty-four, chapter four hundred and forty-four of the acts of nineteen hundred and fifty-five, and of chapter five hundred and seventeen of the acts of nineteen hundred and fifty-seven, all of which additional estate may consist of, or be applied to the construction and equipment of housing units suitable for occupancy by professors, instructors, teachers, students and employees of the University of Massachusetts. The amount of real and personal estate now or hereafter held by said corporation under authority hereof and of said chapters shall be measured by the principal amount of the bonds from time to time issued by said corporation under authority of section seven of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-nine without regard to the proceeds heretofore or hereafter received by said corporation from the sale of bonds so issued or to the real or personal estate heretofore or hereafter acquired by said corporation upon application of such proceeds or otherwise.

SECTION 2. The trustees of the University of Massachusetts may, in the name of and for the commonwealth, lease to said corporation thirty acres of land in Amherst or Hadley owned by the commonwealth, for the erection and maintenance of dormitories, commons and other buildings for the use of said university or its students, faculty and staff. The land hereby authorized to be leased to said corporation shall be in addition to the aggregate land authorized to be leased pursuant to section six of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-nine, section two of chapter three hundred and ninety of the acts of nineteen hundred and forty-five, section two of

chapter three hundred and fifty-two of the acts of nineteen hundred and forty-six, section two of chapter one hundred and eighty-five of the acts of nineteen hundred and forty-eight, section two of chapter four hundred and fourteen of the acts of nineteen hundred and fifty, section two of chapter two hundred and eleven of the acts of nineteen hundred and fifty-two, section two of chapter three hundred and fifty-six of the acts of nineteen hundred and fifty-three, section two of chapter four hundred of the acts of nineteen hundred and fifty-four, section two of chapter four hundred and forty-four of the acts of nineteen hundred and fifty-five and section two of chapter five hundred and seventeen of the acts of nineteen hundred and fifty-seven; but nothing in this section shall be construed as limiting or restricting the powers conferred upon said trustees by said section six of said chapter three hundred and eighty-eight with respect to the leasing of lands by them to said corporation.

SECTION 3. The trustees of the University of Massachusetts may, in the name of and for the commonwealth, lease from time to time to any professor, instructor, teacher, student or employee of the university a dwelling in any housing unit constructed by said corporation for occupancy by such persons and leased by said corporation to the commonwealth under the provisions of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-nine, as heretofore and hereby supplemented. Such leases shall contain such written terms, conditions, restrictions and reservations as the parties agree upon. The pertinent provisions of section twenty-seven of chapter seventy-five of the General Laws shall apply to such leases, but section twenty-eight of said chapter shall not apply to the dwellings so leased.

Approved July 14, 1958.

CHAP. 457. AN ACT IMPOSING A FURTHER ADDITIONAL CIGARETTE TAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide revenues forthwith for state activities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. In addition to the excise tax imposed by chapter sixty-four C of the General Laws, and in addition to the additional excise tax imposed by section nine of chapter seven hundred and thirty-one of the acts of nineteen hundred and forty-five, and in addition to the additional excise tax imposed by section eleven of chapter four hundred and fifty-six of the acts of nineteen hundred and fifty-seven, there is hereby imposed a further additional excise tax of one half mill for each cigarette sold, used, received as gift or gifts, or through exchange or barter in the commonwealth during the period beginning on the effective date of this act and ending August thirty-first, nineteen hundred and fifty-nine, the same to be levied and collected as provided in said chapter sixty-four C, and the provisions of said chapter shall apply to said further additional excise to the same extent as to the normal excise levied thereunder. All cigarette taxes paid in pursuance of this act or of any general or special law shall conclusively be presumed to be a direct tax on a retail consumer, precollected for the purpose of convenience and facility only.

SECTION 2. Every manufacturer, wholesaler, vending machine oper-

ator, unclassified acquirer, and retailer who on the effective date of this act has on hand for sale any cigarettes shall file a complete inventory thereof within twenty days thereafter, and shall pay to the commissioner of corporations and taxation at the time of filing such inventory a tax with respect thereto computed at the rate of one half of one mill per cigarette on all cigarettes upon which an exise of only two and one half mills has previously been paid. All provisions of chapter sixty-four C of the General Laws relative to the collection, verification and administration of the tax therein imposed shall, in so far as pertinent, be applicable to the tax imposed by this section.

SECTION 3. This act shall take effect on the fifteenth day after its passage.

Approved July 14, 1958.

CHAP. 458. AN ACT AUTHORIZING THE TOWN OF STOUGHTON TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Stoughton is hereby authorized to use the whole of, or such portion of, certain park land located in said town for the erection of a public school building, and for all other school uses and purposes incidental thereto, as the town shall determine by vote at an annual or special town meeting called for the purpose and taken within three years after the effective date of this act, said land consisting of a section of woodland between the West Elementary School grounds and the High School field, bounded and described as follows: — Easterly by the Easterly line of a sewer right of way to the West Elementary School and remaining land of Florence W. Weiler, Henry and Isabel M. Snow and Gilbert Harris, a total distance of 418.25 feet; Northerly by West Elementary School lot, 458.33 feet; Northwesterly again by Elementary School lot, 347.85 feet; Ruth I. Hansen, 88.60 feet; other land now or formerly of town of Stoughton, 291.89 feet, making a total distance Northwesterly of 728.34 feet; Southwesterly by other land of the town of Stoughton, 233.64 feet more or less, and Southeasterly by the High School field, 871.05 feet more or less, containing about ten acres more or less.

SECTION 2. Any action taken by the town of Stoughton under authority of this act shall be as valid and effective as if this act were in force at the time of the posting of the warrant of the special town meeting of July fourteenth, nineteen hundred and fifty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved July 14, 1958.

CHAP. 459. AN ACT DESIGNATING THE JUNCTION OF THOMPSON ROAD AND PARK AVENUE IN THE TOWN OF WEBSTER AS THE FELIX BORUS MEMORIAL SQUARE.

Be it enacted, etc., as follows:

SECTION 1. The junction of Thompson road and Park avenue in the town of Webster shall be known and designated as the Felix Borus Memorial Square, and the Webster Polish Council is hereby authorized to erect a suitable marker or tablet bearing said designation, which

marker or tablet shall be subject to the approval of the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1958.

CHAP. 460. AN ACT PROTECTING THE RIGHT OF PUBLIC EMPLOYEES TO JOIN VOCATIONAL OR LABOR ORGANIZATIONS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 178C the following section: — *Section 178D.* Employees of the commonwealth or any political subdivision thereof shall have the right to form and join vocational or labor organizations and to present proposals relative to salaries and other conditions of employment through representatives of their own choosing. No such employee shall be discharged or discriminated against because of his exercise of such right, nor shall any person or group of persons, directly or indirectly, by intimidation or coercion, compel or attempt to compel any such employee to join or refrain from joining a vocational or a labor organization. This section shall not be applicable to police officers in the employ of the commonwealth or any political subdivision thereof.

Approved July 15, 1958.

CHAP. 461. AN ACT FURTHER REGULATING THE MEAL PERIOD REQUIREMENT OF WOMEN AND MINORS EMPLOYED IN CERTAIN INDUSTRIES.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 100, as most recently amended by chapter 723 of the acts of 1957, and inserting in place thereof the following section: — *Section 100.* No woman or child shall be employed for more than six hours during a calendar day in a factory, in a manufacturing or mechanical establishment or in a workshop without an interval of at least thirty minutes for a meal nor so employed in a mercantile establishment without an interval of at least forty-five minutes for a meal. Any employer, superintendent, overseer or agent who violates any provision of this section or of section ninety-nine shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Approved July 15, 1958.

CHAP. 462. AN ACT PROVIDING THAT CERTAIN TEACHERS OR SUPERINTENDENTS DISMISSED BY ACTION OF A SCHOOL COMMITTEE MAY APPEAL THEREFROM TO THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 43, as appearing in the Tercentenary Edition, the following section: — *Section 43A.* Any teacher or superintendent of schools employed at discretion who has been dismissed by vote of a school committee under the provisions of section forty-two or section sixty-three

may, within thirty days after the vote of dismissal appeal therefrom to the superior court in the county in which he was employed. The court shall advance the appeal for a speedy hearing and after such notice to the parties as it deems reasonable hear the cause "de novo". If the court finds in favor of the school committee, the vote of the school committee shall be affirmed; otherwise it shall be reversed and the appellant shall be reinstated to his position without loss of compensation. The decision of the court shall be final, except as to matters of law.

Approved July 15, 1958.

CHAP. 463. AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE MASSACHUSETTS MARITIME ACADEMY TO ACQUIRE CERTAIN LAND IN THE TOWN OF BOURNE.

Be it enacted, etc., as follows:

SECTION 1. The board of commissioners of the Massachusetts maritime academy on behalf of the commonwealth is hereby authorized and directed to take by eminent domain, or acquire by purchase or otherwise, lots 204, 209, 257, and 290 in the town of Bourne as shown on "Plan of Land to be Acquired by Commonwealth of Massachusetts to be used for Massachusetts Maritime Academy, August 19, 1953, James L. Tyson, Town Engineer, Revised January 10, 1958," recorded in the Barnstable Registry of Deeds January 31, 1958, Plan-Book 139 Page 123.

SECTION 2. So much of the property acquired under the authority of this act as in the opinion of said board is not necessary for drill, athletic or other purposes of the academy may be conveyed by said board to said town for the express purpose of establishing appropriate roadways to replace the roadways which have been or will be closed or abandoned as the result of the establishment of said academy in said town. Said town shall construct and maintain said new roadways.

SECTION 3. For the purposes of section one of this act, said board may expend such sums as may be appropriated therefor.

Approved July 15, 1958.

CHAP. 464. AN ACT AUTHORIZING THE TOWN OF DUXBURY TO PAY THE SUM OF TWO THOUSAND DOLLARS TO MARJORIE PHILLIPS, THE WIDOW OF FRANK E. PHILLIPS, A FORMER POLICE OFFICER.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the town of Duxbury is hereby authorized to appropriate and pay to Marjorie Phillips, the widow of Frank E. Phillips, a former member of the police department of said town, the sum of two thousand dollars.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of said town voting thereon at an annual town meeting but not otherwise.

Approved July 15, 1958.

CHAP. 465. AN ACT RELATIVE TO THE BURIAL OF BODIES BROUGHT INTO THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 114 of the General Laws is hereby amended by striking out section 46, as amended by section 27 of chapter 627 of the acts of 1954, and inserting in place thereof the following section: — *Section 46.* Whenever a dead body is brought into the commonwealth for burial, accompanied by a removal permit issued under the laws of the state from which such body is brought, such permit shall be received as sufficient authority for burial, and the superintendent or person or persons in charge of the cemetery where the burial is to take place shall make proper endorsements on said removal permit and send it forthwith to the local board of health in the city or town where said cemetery is located. The board of health shall make and retain a copy of said removal permit and return the original to the city or town issuing the same; but if not accompanied by such permit no funeral director or other person shall bury such body or the ashes thereof until he has received a permit so to do from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the body is to be buried, or from a person appointed to have the care of the cemetery or burial ground in which the interment is made, if a record is kept of the names of all persons buried therein, or from a duly appointed superintendent of burials in such town who keeps a record of interments. Such permit shall not be issued until the funeral director or other person has delivered a certificate to said board, agent, clerk, superintendent or person having such care, giving the name of the deceased, his age as nearly as can be ascertained, the cause of death, the name of the town where he last resided or from which the body was brought, or, if the death occurred at sea, the name of the vessel upon which it occurred, and any other facts required for record which could be obtained with reasonable diligence, including, in case the deceased was a veteran, a recital as required by section ten of chapter forty-six.

The board of health or its agent, or the superintendent or person having such care, shall, upon receipt of such certificate, forthwith countersign and transmit it to the town clerk; and if the deceased was a resident of said town, the clerk shall record the same in the books kept for recording deaths, but if the deceased was at his death a resident of any other town within the commonwealth said clerk shall forthwith forward to the clerk thereof a copy of such certificate, who shall record the same.

Approved July 15, 1958.

CHAP. 466. AN ACT RELATIVE TO THE SEWER SYSTEM FOR THE NORTH SEWER DISTRICT OF THE TOWN OF HINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The cost of constructing connecting drains, underdrains or particular sewers from the common sewer to the boundary of the way, under section three of chapter eighty-two of the acts of nineteen hundred and forty-six, within the north sewer district of the town of Hingham, may be paid out of general appropriations by said town for the con-

struction of a system of main drains and common sewers in and for said district or parts thereof, and all such construction and the payment therefor out of such appropriations to date is hereby validated and confirmed in all respects.

SECTION 2. Notwithstanding any contrary provision of section fourteen of said chapter eighty-two the owner of any land benefited by the laying out of a connecting drain, underdrain or particular sewer from the common sewer to the boundary of the way shall, at the time of connection thereto, pay to said town for the permanent privilege of using the same such reasonable amount as the board of sewer commissioners determine, which may be fixed at the estimated average cost of all such connecting drains, underdrains or particular sewers within the portion of said district for which a system of sewers has been built. The board of sewer commissioners shall assess the cost of connecting private land with a common sewer upon the land so connected, and may require that an applicant for a connection of his land with a sewer, or any person required by law to connect his land with a sewer, shall pay in advance an amount equal to the estimated assessment therefor, which shall be applied to the payment of the assessment, and the remainder, if any, shall be repaid to him.

SECTION 3. Section 2 of chapter 454 of the acts of 1955 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The town of Hingham may from time to time construct systems of main drains and common sewers in parts of the north sewer district of the town as defined in chapter five hundred and ninety-one of the acts of nineteen hundred and forty-five, and chapter eighty-two of the acts of nineteen hundred and forty-six shall apply to all such construction. *Approved July 15, 1958.*

CHAP. 467. AN ACT DIRECTING THE BOARD OF REGISTRATION IN MEDICINE TO RENEW AND EXTEND THE CERTIFICATE OF LIMITED REGISTRATION TO PRACTICE MEDICINE HELD BY LUCAS KULCZYCKI.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to renew and extend forthwith the limited registration to practice medicine held by Lucas Kulczycki, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, or of any rule or regulation of the board of registration in medicine, said board shall renew and extend to July thirty-first, nineteen hundred and sixty-one the certificate of limited registration to practice medicine within the commonwealth held by Lucas Kulczycki from May twenty-second, nineteen hundred and fifty-three to May twenty-second, nineteen hundred and fifty-eight.

Approved July 21, 1958.

CHAP. 468. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO CONVEY TO THE CITY OF WALTHAM A CERTAIN PARCEL OF LAND, BEING A PORTION OF THE PREMISES OCCUPIED BY THE MIDDLESEX COUNTY TUBERCULOSIS SANATORIUM, FOR THE PURPOSE OF THE ERECTION OF A FIRE STATION THEREON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of general or special law, the commissioners of Middlesex county, in consideration of one dollar, are hereby authorized to sell and convey to the city of Waltham certain land of said county located in said city, being a part of the premises of the Middlesex County Tuberculosis Sanatorium, for the purpose of the erection of a fire station by said city thereon. Said parcel of land is bounded and described as follows: — Beginning at a point in the northerly line of Trapelo road as laid out as North street by County Commissioners December 29, 1888 and renamed Trapelo road by Board of Aldermen Order #2312 Approved July 15, 1891 154.48 feet easterly from an angle point in the northerly line of said Trapelo road; thence running north 22 degrees 57 minutes 20 seconds east 272.57 feet; thence turning and running south 43 degrees 34 minutes 10 seconds east 315.54 feet to the westerly line of Woburn street; thence turning and running south 20 degrees 15 minutes 40 seconds west 30.34 feet along the westerly line of said Woburn street; thence running south 31 degrees 53 minutes 20 seconds west 158.67 feet along the westerly line of said Woburn street; thence running south 36 degrees 17 minutes 50 seconds west 39.78 feet along the westerly line of said Woburn street to a point of curvature; thence running in a general westerly direction by a curve to the right with a radius of 25.54 feet 44.64 feet to a tangent point in the northerly line of said Trapelo road; thence running north 43 degrees 34 minutes 10 seconds west 242.04 feet along the northerly line of said Trapelo road to point of beginning. Said parcel contains 74,515 square feet, more or less, and is shown on a plan entitled "Plan of Middlesex County Land on Trapelo Road Waltham Mass., to be conveyed to the City of Waltham", and dated June 3, 1958.

SECTION 2. The Middlesex county commissioners, in behalf of said county shall execute and deliver any instrument necessary to convey a good and sufficient title to the within described land to the said city of Waltham; provided, that ownership of said land shall revert to and revest in said county whenever said land ceases to be used for the purpose set forth in section one.

SECTION 3. This act shall take effect upon its passage.

Approved July 21, 1958.

CHAP. 469. AN ACT PROVIDING FOR THE RIGHT OF APPEAL FROM AN ORDER OF A BOARD OF HEALTH WHICH ADJUDGES THE OPERATION OF A FARM TO BE A NUISANCE.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 125 the following section: — *Section 125A.* If, in the opinion of the board of health, a farm or the operation thereof constitutes a

nuisance, any action taken by said board to abate or cause to be abated said nuisance under sections one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-five shall, notwithstanding any provisions thereof to the contrary, be subject to the provisions of this section.

In the case of any such nuisance a written notice of an order to abate the same within ten days after receipt of such notice shall first be given as provided in section one hundred and twenty-four. If no petition for review is filed as herein provided, or upon final order of the court, said board may then proceed as provided in said sections one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-five, or in the order of the court. If the owner or operator of said farm within said ten days shall file a petition for a review of such order in the district court for the district in which the farm lies, the operation of said order shall be suspended, pending the order of the court. Upon the filing of such petition the court shall give notice thereof to said board, shall hear all pertinent evidence and determine the facts, and upon the facts as so determined review said order and affirm, annul, alter or modify the same as justice may require. The parties shall have the same rights of appeal on questions of law as in other civil cases in the district courts.

Approved July 21, 1958.

CHAP. 470. AN ACT AUTHORIZING AND DIRECTING THE RETIREMENT BOARD OF THE CITY OF SPRINGFIELD TO REFUND CERTAIN MONEY TO THE ESTATE OF THOMAS SHEEHAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the retirement board of the city of Springfield is hereby authorized and directed to refund to the legal representative of the estate of the late Thomas Sheehan, a former employee of the park department of said city, the amount of the accumulated total deductions to his credit in the annuity savings fund of the retirement system of said retirement board. Any option elected by his widow, the late Bridget T. Sheehan, prior to her death, shall be and is hereby declared void.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city council of the city of Springfield, subject to the provisions of its charter, but not otherwise.

Approved July 21, 1958.

CHAP. 471. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO PAY CERTAIN SUMS TO PERSONS NAMED AS BENEFICIARIES UNDER A GROUP INSURANCE CONTRACT COVERING CERTAIN DECEASED EMPLOYEES OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary and for the purpose of promoting the public good, the city of Springfield is hereby authorized to appropriate and pay the sum of four thousand dollars to each of the following persons: — Madeline Anderson, the

widow of George B. Anderson, a former employee of said city who died on December eighteenth, nineteen hundred and fifty-seven, Lillian O. Dunphy, the widow of Thomas L. Dunphy, a former employee of said city who died on February thirteenth, nineteen hundred and fifty-eight, and Helen M. Lothrop, the mother of William P. Lothrop, a former employee of said city who died on December twelfth, nineteen hundred and fifty-seven; and the sum of two thousand dollars to each of the following persons: — Elizabeth A. McCabe, the widow of Frank M. McCabe, a former employee of said city who died on January first, nineteen hundred and fifty-eight, Lora Parker, the widow of Raymond E. Parker, a former employee of said city who died on December eleventh, nineteen hundred and fifty-seven, Josephine Maruvecchio, otherwise known as Josephine Marcovecchio, the widow of Raffaele Maruvecchio, otherwise known as Raffaele Mareovecchio, a former employee of said city who died on February tenth, nineteen hundred and fifty-eight, Louise N. Sullivan, the sister of John R. McQuade, a former employee of said city who died on January ninth, nineteen hundred and fifty-eight, and Clara LaFrancis, the widow of Maximillian W. LaFrancis, a former employee of said city who died on December third, nineteen hundred and fifty-seven, said employees having paid premiums for group insurance coverage and having died during the period when a contract for said coverage, subsequently held invalid, was considered valid, provided that each such person was designated by her deceased husband, son or brother, as the case may be, as his beneficiary either on his application for said insurance or on a statement filed with the personnel director of said city.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city subject to the provisions of its charter, but not otherwise. *Approved July 21, 1958.*

CHAP. 472. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO ESTABLISH A RIGHT OF WAY FOR PUBLIC ACCESS TO HORSE POND IN THE CITY OF WESTFIELD AND OF AN AREA FOR THE PARKING OF VEHICLES CONTIGUOUS TO SAID RIGHT OF WAY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to lay out a right of way for public access to Horse pond in the city of Westfield and an area for parking contiguous thereto, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way and parking area. If it is necessary to acquire land for the purpose of laying out said right of way or parking area, said county commissioners shall at the time such right of way or parking area is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way or parking area, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine, provided, that the right to recover damages, if any, by reason of the laying out of such right of way or parking area shall vest upon the recording of the order of taking by said county commissioners and that

no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The city of Westfield from time to time may make specific repairs on or improve such right of way or parking area to such extent as it may deem necessary, but neither the county of Hampden nor any city or town therein shall be required to keep such right of way or parking area in repair, nor shall it be liable for injury sustained by persons traveling thereon, provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way or parking area shall be borne by the county of Hampden, or by such other cities and towns therein, and in such proportions as said county commissioners may determine.

SECTION 4. Said right of way or parking area shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or any local board of health, under any general or special law.

Approved July 21, 1958.

CHAP. 473. AN ACT AUTHORIZING THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO PEQUOT POND IN THE CITY OF WESTFIELD AND THE TOWN OF SOUTHAMPTON AND OF AN AREA FOR THE PARKING OF VEHICLES CONTIGUOUS TO SAID RIGHT OF WAY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county and Hampshire county or of either of said counties are hereby authorized to lay out a right of way for public access to Pequot pond, a pond lying in the city of Westfield and the town of Southampton, and an area for parking contiguous thereto, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way and parking area. If it is necessary to acquire land for the purpose of laying out such right of way or parking area, said county commissioners in their respective counties shall at the time such right of way or parking area is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way or parking area, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way or parking area shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The city of Westfield and the town of Southampton or either of them from time to time may make specific repairs on or improve such portions of said right of way and parking area as may be located in their respective limits to such extent as it may deem necessary, but

neither the county of Hampden or Hampshire nor any city or town therein shall be required to keep such right of way or parking area in repair, nor shall it be liable for injury sustained by persons traveling thereon, provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. Said county commissioners of Hampden and Hampshire counties shall work jointly in determining a suitable location for said right of way and parking area, which may be entirely in either county or partly in each.

SECTION 4. All expenses incurred by said county commissioners in connection with such right of way or parking area shall be borne by the county of Hampden or Hampshire; each for any portion in their respective county, or by such cities or towns therein, and in such proportions as said county commissioners may determine.

SECTION 5. Said right of way or parking area shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 6. Nothing in this act shall be construed to limit the powers of the department of public health, or any local board of health, under any general or special law.

Approved July 21, 1958.

CHAP. 474. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO ESTABLISH A RIGHT OF WAY FOR PUBLIC ACCESS TO BUCK POND IN THE CITY OF WESTFIELD AND OF AN AREA FOR THE PARKING OF VEHICLES CONTIGUOUS TO SAID RIGHT OF WAY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to lay out a right of way for public access to Buck pond in the city of Westfield and an area for the parking of vehicles contiguous thereto in accordance with plans to be approved by the department of public works and showing the location and dimensions of said right of way and parking area. If it is necessary to acquire land for the purpose of laying out such right of way or parking area, said county commissioners shall at the time such right of way or parking area is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way or parking area, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine, provided, that the right to recover damages, if any, by reason of the laying out of such right of way or parking area shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The city of Westfield from time to time may make specific repairs on or improve such right of way or parking area to such extent as it may deem necessary, but neither the county of Hampden nor any city or town therein shall be required to keep such right of way or parking area in repair, nor shall it be liable for injury sustained by persons traveling thereon, provided, that sufficient notice to warn the

public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way or parking area shall be borne by the county of Hampden, or by such cities and towns therein, and in such proportions as said county commissioners may determine.

SECTION 4. Said right of way or parking area shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or any local board of health, under any general or special law.

Approved July 21, 1958.

CHAP. 475. AN ACT RELATIVE TO THE ASSESSMENT OF CERTAIN COSTS OF THE FLOOD CONTROL PROJECT IN THE MIDDLE AND BLACKSTONE RIVERS, KNOWN AS THE WORCESTER DIVERSION.

Be it enacted, etc., as follows:

Chapter 15 of the acts of 1956 is hereby amended by striking out section 8, as amended by section 2 of chapter 725 of the acts of 1956, and inserting in place thereof the following section: — *Section 8.* The state treasurer is hereby directed to assess upon the city of Worcester the total costs incurred under sections three, seven and nine of this act, and all monies received from such assessments shall be used for the payment of the principal and interest on the bonds authorized by said section nine. The department shall certify to the state treasurer the costs incurred under said sections three and seven.

Approved July 21, 1958.

CHAP. 476. AN ACT AUTHORIZING THE COMMISSIONER ON ALCOHOLISM TO SOLICIT AND ACCEPT GIFTS OR GRANTS FOR USE IN RELATION TO THE PROBLEMS OF ALCOHOLISM.

Be it enacted, etc., as follows:

Section 96 of chapter 6 of the General Laws, inserted by section 2 of chapter 715 of the acts of 1956, is hereby amended by adding at the end the following paragraph: —

He may solicit and shall accept in the name of the commonwealth for use in relation to the problems of alcoholism any gift of money or property made therefor by will or otherwise, and any special grant of money, services or property from the federal or state governments or any of their agencies or from private foundations or sources. Any money received under this paragraph shall be turned over to the state treasurer and may be expended by the commissioner in accordance with the conditions of the gift or grant under the order or the approval of the advisory council without specific appropriation.

Approved July 21, 1958.

CHAP. 477. AN ACT AUTHORIZING THE TOWN OF ATHOL TO ALLOW THE USE OF ITS EQUIPMENT WITH ITS OPERATOR ON PRIVATE PROPERTY FOR CERTAIN PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of utilizing its mechanical equipment to the greatest extent, furnishing more continuous employment for its employees and increasing the taxable value of the real estate within its boundaries, the town of Athol is hereby granted authority to enter into agreements, through its selectmen, to rent such of its mechanical equipment with the operator thereof, when not needed for the use of the town, to private individuals for use on private property within the boundaries of said town. Said authority to enter into an agreement shall not be exercised unless and until the selectmen of the town have in their possession releases executed by such private individuals and all employees of the town to be employed on such work to save the town harmless on account of any loss, cost or damages ensuing from the performance of such a rental agreement, including loss, cost or damages to equipment so rented, reasonable wear and tear excepted; nor until a cash deposit equal in amount to the estimated rentals to be paid under said agreement, as determined by the selectmen, is paid over to the town; nor until policies of workmen's compensation insurance and public liability insurance satisfactory to the selectmen have been taken out by such private individual or individuals covering the proposed work.

The costs of said rentals shall be paid by said private individuals. All bills and pay rolls chargeable for work done under such rental agreement shall be plainly marked to indicate that the work was done under authority of and in pursuance of said agreement, and shall be charged against the advance cash deposit which shall be credited on the books of the town in a separate account. Any excess of said charges over the cash deposit shall be paid over by such private individuals to the town upon demand of the selectmen or the town treasurer. Any remaining balance in the special cash deposit account, after the completion of the rental agreement, shall be returned to such private individuals.

All receipts derived from the rental of equipment under this act shall be credited to an equipment fund account and reserved for appropriation by the town for the purchase and replacement of town equipment.

The equipment and employees of the town of Athol, while engaged in performing work under any said rental agreement, shall be deemed to be engaged in the service of such private individual, except that the service of any town employee thereunder shall be deemed creditable service within the meaning of section one of chapter thirty-two of the General Laws, and shall constitute public employment within the meaning of chapter thirty-one of the General Laws if applicable now or hereafter in the town of Athol to said employees.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the town meeting members at a regular or special town meeting.

Approved July 21, 1958.

CHAP. 478. AN ACT AUTHORIZING THE DIVISION OF YOUTH SERVICE TO DISPOSE OF CERTAIN PROPERTIES IN THE TOWN OF BOLTON.

Be it enacted, etc., as follows:

Upon recommendation of the commission on administration and finance, and with the approval of the governor and council, the director of the division of youth service is authorized to dispose of, by sale, transfer or otherwise, certain properties, including land and buildings, under the jurisdiction of said division and situated in the town of Bolton, which properties have been certified by said director as no longer necessary for the program of said division. *Approved July 21, 1958.*

CHAP. 479. AN ACT AUTHORIZING THE CITY OF BOSTON TO PENSION THOMAS J. CONATY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the police commissioner of the city of Boston, with the approval of the mayor of said city, shall forthwith retire, on an annual pension to be paid by said city in monthly instalments, Thomas J. Conaty, a detective first grade in the police department of said city, who is blind as a result of injuries sustained by him on February fifth, nineteen hundred and fifty-five when beaten while making an arrest in the performance of duty. Such pension shall be at the same annual rate as the compensation payable to him at the time of his retirement. Upon his death leaving Lillian M. Conaty, his wife, surviving him, said city shall pay to her, so long as she remains unmarried, an annuity of fifteen hundred dollars a year, increased by three hundred and twelve dollars for each child of said Thomas J. Conaty during such time as such child is under the age of eighteen or over said age and physically or mentally incapacitated from earning. If said Lillian M. Conaty remarries, said city shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars to or for the benefit of each such child during the time aforesaid. If said Lillian M. Conaty does not survive said Thomas J. Conaty, or later dies, said city shall pay such an annuity as would have been payable to said Lillian M. Conaty had she lived, to or for the benefit of such child, or if there be more than one such child, such children in equal shares, during the time aforesaid.

SECTION 2. Upon retirement of said Thomas J. Conaty under this act, the Boston retirement board shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the State-Boston retirement system.

SECTION 3. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved July 24, 1958.

CHAP. 480. AN ACT FURTHER CLARIFYING THE LAW WITH RESPECT TO RATES FOR NURSING AND CONVALESCENT HOME CARE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to clarify the authority of departments and subdivisions of the commonwealth to pay nursing and convalescent home rates in excess of established minimum rates, therefore it is hereby

declared to be an emergency law, necessary for the immediate preservation of the public convenience and welfare.

Be it enacted, etc., as follows:

The first paragraph of section 30L of chapter 7 of the General Laws, as appearing in section 1 of chapter 696 of the acts of 1956, is hereby amended by adding at the end the following sentence:— Nothing in this section shall be construed to limit the authority of such departments, boards, commissions or subdivisions to pay such nursing or convalescent homes a higher rate than the minimum per diem rate or rates established hereunder; provided, however, that where rates so paid are subject to regulation by the department of public welfare, no city or town shall be entitled to reimbursement from the commonwealth with respect to the amount by which such rates exceed rates approved by such department.

Approved July 24, 1958.

CHAP. 481. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO APPROPRIATE OR BORROW A SUM OF MONEY FOR THE PURPOSE OF DRAINAGE AND STREAM IMPROVEMENT FROM WEYMOUTH BACK RIVER TO WHITMAN'S POND.

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth is hereby authorized to raise and appropriate or transfer from available funds a sum not exceeding one hundred and ten thousand, five hundred dollars for the purpose of drainage and stream improvement from Weymouth Back river to Whitman's pond, according to plans and specifications submitted by the firm of Metcalf and Eddy, Engineers, in a report to the Weymouth Drainage Committee dated March eleventh, nineteen hundred and fifty-seven, said sum to be expended in conjunction with any money which may be allotted for said purposes by the commonwealth under the provisions of chapter ninety-one of the General Laws.

SECTION 2. For the purpose of providing funds for the expenditures authorized by section one, the town of Weymouth may from time to time borrow such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words Town of Weymouth Drainage and Stream Improvement Loan Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit and shall be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. The bonds or notes so authorized may be issued either before or after any action of the department of public works under the provisions of chapter ninety-one of the General Laws.

SECTION 3. Any action taken pursuant to the authority contained in this act by the town of Weymouth at the annual town meeting held in said town on March third and fifth, nineteen hundred and fifty-eight, shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said meeting.

SECTION 4. This act shall take effect upon its passage.

Approved July 24, 1958.

CHAP. 482. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO LEASE OFF-STREET PARKING FACILITIES.

Be it enacted, etc., as follows:

Section 1 of chapter 34 of the acts of 1955, as amended by chapter 177 of the acts of 1956, is hereby further amended by adding at the end the following two sentences: — Said city may, in lieu of constructing and operating off-street parking areas and facilities, construct the same and thereafter lease to individuals or corporations for operation or may so lease any real estate acquired hereunder for the construction of off-street parking areas and facilities and the operation thereof. If the city enters into any such lease, it shall do so by competitive bidding in the manner required for the awarding of contracts under section twenty-eight of chapter forty-three of the General Laws.

Approved July 24, 1958.

CHAP. 483. AN ACT CONTINUING THE STUDY BY THE DEPARTMENT OF NATURAL RESOURCES OF THE FORESTS AND OTHER NATURAL RESOURCES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

The sixth paragraph of chapter 471 of the acts of 1955 is hereby amended by striking out the last sentence, as amended by chapter 591 of the acts of 1956, and inserting in place thereof the following sentence: — The department shall report its findings under this act to the general court by filing a report, together with its recommendations and drafts of legislation necessary to carry said recommendations into effect, from time to time with the clerk of the house of representatives, but shall file a final report on or before the last Tuesday in December, nineteen hundred and fifty-nine.

Approved July 24, 1958.

CHAP. 484. AN ACT VALIDATING THE CONVEYANCE BY THE TOWN OF WESTBOROUGH TO THE COMMONWEALTH OF CERTAIN STREETS AND THE DISCONTINUANCE OF SAID STREETS AS PUBLIC WAYS.

Be it enacted, etc., as follows:

SECTION 1. The division of youth service, acting by the director thereof, is hereby authorized and directed to purchase on behalf of the commonwealth from the town of Westborough, for the sum of one dollar, a portion of Oak street and of Park street in said town, described as follows: Parcel 1. That portion of Oak street lying between its junction with Milk street on the northerly end of said Oak street and a line running perpendicularly across the line of said Oak street from the end of a stone wall situated on the southerly side of said street shown on a plot plan of Lyman School for Boys, being Drawing No. 1260-1, drawn by Densmore, LeClear and Robbins, Engineers, dated September 1935, said plan being a part of the permanent records of the Trustees of Massachusetts Training Schools and said last boundary being shown on said plan as crossing an "old road" which is now known as Oak street; Parcel 2. That portion of Park street located on the northerly side of Turnpike road, beginning with the northerly line of said road

and running northerly to the junction of said Park street with Oak street as shown on the afore-mentioned plan; and subject to an easement reserved in said town to enter upon the granted premises for the purpose of maintaining, repairing and relaying any water mains, drains, pipes, conduits or other appurtenances to the town water or sewer systems, in accordance with the vote of the inhabitants of said town at a meeting duly called and holden on March twenty-second, nineteen hundred and fifty-four, and with a deed of the selectmen of said town, made in pursuance of such vote and dated October sixth, nineteen hundred and fifty-five.

SECTION 2. Notwithstanding the provisions of any general or special law, the act of the inhabitants of said town of Westborough on March twenty-second, nineteen hundred and fifty-four, and the act of the selectmen of said town on October sixth, nineteen hundred and fifty-five, relative to the conveyance of the streets described in section one are hereby confirmed and made valid; and such streets shall be deemed to be discontinued as public ways and closed to the public on and after the effective date of this act.

SECTION 3. This act shall take effect upon the recording of the deed referred to in section one in the registry of deeds for Worcester county, Worcester district.

Approved July 24, 1958.

CHAP. 485. AN ACT RELATIVE TO THE RETIREMENT AND PENSION RIGHTS OF MEMBERS OF CERTAIN RETIREMENT SYSTEMS ON ACCOUNT OF SERVICE RENDERED IN THE LIQUIDATION OF CERTAIN BANKING CORPORATIONS.

Be it enacted, etc., as follows:

Section 2 of chapter 493 of the acts of 1946, as most recently amended by chapter 518 of the acts of 1954, is hereby further amended by striking out, in line 6, the word "fifty-six" and inserting in place thereof the word: — fifty-nine, — so as to read as follows: — *Section 2.* Any member of the state, teachers or State-Boston retirement system or of any county, city or town contributory retirement system who has heretofore served in such liquidation shall receive similar credit; provided, that he shall before January first, nineteen hundred and fifty-nine, and in any event before his retirement, have paid into the appropriate annuity savings fund in one sum or in installments as approved by the appropriate retirement board an amount equal to what he would have paid during the term of such service, with regular interest.

Approved July 24, 1958.

CHAP. 486. AN ACT PROVIDING THAT BOILER INSPECTORS OF THE DIVISION OF INSPECTION OF THE DEPARTMENT OF PUBLIC SAFETY BE DESIGNATED AS DISTRICT ENGINEERING INSPECTORS.

Be it enacted, etc., as follows:

SECTION 1. The director of personnel and standardization, shall reclassify boiler inspectors in the division of inspection of the department of public safety by changing the title of the position from boiler in-

spector to district engineering inspector. All subsequent appointments to such positions shall be made under the title of district engineering inspector.

SECTION 2. Section 6 of chapter 22 of the General Laws, as appearing in the Terecentenary Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences: — District engineering inspectors in the division of inspection shall not be over forty-five years of age when first appointed, and shall not be subject to any civil service rules like those requiring members of the state police to be of a certain height and weight. Inspectors assigned to the division of inspection shall be designated as building inspectors or as district engineering inspectors according as their duties relate to buildings or engineering.

SECTION 3. Section 1 of chapter 146 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Inspector" and inserting in place thereof the following definition: — "Inspector", a district engineering inspector of the division of inspection of the department of public safety, or an inspector of an insurance company authorized to insure steam boilers in the commonwealth.

Approved July 24, 1958.

CHAP. 487. AN ACT CREATING A LIEN UPON THE REAL ESTATE OF CERTAIN RECIPIENTS OF VETERANS' BENEFITS.

Be it enacted, etc., as follows:

Chapter 115 of the General Laws is hereby amended by inserting after section 5, the following section: — *Section 5A.* In every case where the applicant for or a recipient of benefits under this chapter is a dependent mother or father, as defined in section one, with an interest in one or more parcels of real estate and the fair market value of such interest is more than fifteen hundred dollars, an instrument signed and acknowledged by the veterans' agent of the town granting such benefits and giving notice of a lien upon each such parcel for all benefits granted and to be granted under this chapter by such town to such mother or father, who shall be named therein, shall, not earlier than three days, Saturdays, Sundays and legal holidays excluded, after a like instrument has been sent by certified mail to such mother or father, be recorded in the records of the county, or of the district, if such county is divided into districts, where each parcel lies, without the payment of any fee for such recording. Every such instrument shall contain a description sufficient to identify each parcel of real estate subject to the lien, and upon recording shall create a lien upon so much of such mother's or father's interest as has a fair market value in excess of fifteen hundred dollars, which lien shall be superior to any deed, mortgage, lien or other encumbrance thereafter recorded. Whenever such lien is satisfied or is ordered discharged as hereinafter provided, an instrument signed and acknowledged by such veterans' agent and reciting such fact shall be given; and upon the recording of such instrument, such lien shall be dissolved.

Such lien shall be enforceable in the superior court for the county where any parcel of the real estate lies by a petition in equity brought by the veterans' agent against all persons appearing of record to be interested in the real estate subject to such lien, whether as equity

owners, mortgagees, lienors, attaching creditors or otherwise. Such petition shall allege the amount claimed under such lien and incorporate a certified copy of the recorded instrument creating such lien. At any time before final decree, the court, of its own motion or upon the suggestion of any party, may issue a precept to any other person appearing to have an interest, directing him to appear on or before a specified day or be forever barred from redeeming from such lien. Proceeds realized through any such enforcement shall be apportioned between the commonwealth and the town granting the benefits in proportion to the amount of their respective contributions thereto, but in no case for more than the amount contributed, without interest. Whenever there is on the same parcel of real estate a lien under this section and also a lien under chapter one hundred and eighteen A, the proceeds realized shall upon enforcement be prorated according to the respective amounts of benefits and assistance granted. No lien under this section shall be enforceable until after the death of both mother and father, and then only when written permission has been obtained from the commissioner, who, in his discretion, may, if undue hardship might be caused by enforcement, waive enforcement in whole or in part, and order a discharge to the extent waived. If the veterans' agent neglects or refuses promptly to refer the enforcement of a lien under this section to the commissioner for his approval, or to bring a petition within the period specified by the commissioner, the commissioner shall thereupon bring the petition in his own name; and in such event, all proceeds shall be retained by the commonwealth.

Any conveyance of real estate by a mother or father within two years before an application for veterans' benefits, unless for fair market value, shall be deemed to be in avoidance of the provisions of this section and shall make such mother or father ineligible to receive veterans' benefits.

Approved July 24, 1958.

CHAP. 488. AN ACT AUTHORIZING THE TOWN OF NATICK TO INCREASE
THE NUMBER OF MEMBERS OF ITS RESERVE POLICE FORCE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 8 of the acts of 1929 is hereby amended by striking out, in line 2, the word "five" and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 1.* The town of Natick may establish a reserve police force consisting of not more than eight members, and appointments thereto shall, subject to chapter thirty-one of the General Laws, be made in the same manner as appointments to the regular police force of said town. The chief of police of said town may assign the members of such reserve force to duty in said town whenever and for such length of time as he may deem necessary; and when on duty the members of said reserve force shall have all the powers and duties of members of the regular police force of said town.

SECTION 2. This act shall take effect upon its passage.

Approved July 29, 1958.

CHAP. 489. AN ACT RELATIVE TO THE COMPUTATION OF THE CREDIT ALLOWABLE FOR TAXES DUE TO OTHER STATES, TERRITORIES, DEPENDENCIES OF THE UNITED STATES, OF THE DOMINION OF CANADA OR ANY OF ITS PROVINCES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 62 of the General Laws is hereby amended by striking out section 6A, as most recently amended by section 6 of chapter 677 of the acts of 1957, and inserting in place thereof the following section: — *Section 6A.* A credit shall be allowed against taxes imposed on business income, as defined in section six to a resident for taxes due any other state, any territory or dependency of the United States, or the Dominion of Canada or any of the provinces thereof, on account of that part of such income received or accrued from sources therein subject to the following restrictions and limitations: (a) If the credit allowed by this section is claimed, the deduction specified in subsection (c) of section six for taxes paid to any other state, to any territory or dependency of the United States, or to the Dominion of Canada or any of the provinces thereof shall not be allowed. (b) The amount of taxes due on such income shall exclude interest and penalties. (c) The amount of the credit allowed shall be the lesser of the following: (1) the amount of such taxes due, or (2) the result of a fraction, whose numerator is the total amount of all items of such income so taxed and whose denominator is the total amount of all items of such income, multiplied by the tax computed on income defined in section six.

SECTION 2. This act shall take effect with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved July 29, 1958.

CHAP. 490. AN ACT IMPROVING THE PROCEDURE IN THE LAW RELATING TO THE CLASSIFICATION OF CORPORATIONS FOR THE PURPOSES OF ASSESSMENT OF LOCAL TAXES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 58 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 5 of chapter 654 of the acts of 1953, and inserting in place thereof the following section: — *Section 2.* The commissioner shall annually, on or before April first of each year, forward to each board of assessors a list of all corporations known to him to be liable on January first of said year to taxation under chapters fifty-nine, sixty A and sixty-three. Such list shall indicate which of said corporations have been classified by the commissioner as manufacturing corporations and shall contain such other information as in his judgment will assist such boards of assessors in the assessment of taxes.

Any person aggrieved by any classification made by the commissioner under any provision of chapters fifty-nine and sixty-three or by any action taken by the commissioner under authority of this section may, on or before April thirtieth of said year file an application with the state tax commission, in chapters fifty-eight to sixty-five B, inclusive, called the commission, on a form approved by it, stating therein the classification claimed; provided, however, that no such application may

be filed by a person other than a board of assessors unless (1) the classification complained of is different from that appearing in the list for the next preceding year, or (2) said person on or before January fifteenth filed with the commissioner a request, on a form approved by the commission, seeking a particular classification, and such request was not allowed by the commissioner in the preparation of the list.

The commission shall, within ten days after the decision on said application, give written notice thereof to the applicant. A person may appeal to the appellate tax board within thirty days after receiving the notice herein provided, or within thirty days after the time when the application for classification is deemed to be refused as hereinafter provided. Whenever the commission, before which an application in writing for classification is or shall be pending, fails to act upon said application prior to the expiration of twenty days from the date of the filing of said application it shall then be deemed to be refused. The decision of the board shall be binding upon the parties to any proceeding pending or brought before it which involves a tax for the year to which the decision is applicable. For the purposes of this section, "person" shall include a board of assessors.

SECTION 2. Chapter 59 of the General Laws is hereby amended by striking out section 83, as most recently amended by section 4 of chapter 24 of the acts of 1939, and inserting in place thereof the following section: — *Section 83.* Assessors shall annually, on or before the first day of July, return to the commissioner the names of all domestic and foreign corporations, except banks of issue and deposit, having a capital stock divided into shares, organized for the purposes of business or profit and established in their respective towns or owning real estate therein, and a detailed statement of the works, structures, real estate, machinery, poles, underground conduits, wires and pipes owned by each of said corporations and situated in such town, with the value thereof, on January first preceding, and the amount at which the same is assessed in said town for the then current year. The assessors shall at the same time return to the commissioner a detailed statement of all motor vehicles and trailers owned by each such corporation and the amount at which each such vehicle or trailer is assessed under chapter sixty A for said year, provided, however, that in the case of any such vehicle or trailer the information in respect to the registration of which has not been transmitted to the assessors by the commissioner prior to the first day of June, such detailed statement shall be returned within thirty days after the receipt of such information. An assessor neglecting to comply with this section shall be punished by a fine of one hundred dollars.

SECTION 3. This act shall take effect December thirty-first, nineteen hundred and fifty-eight.

Approved July 29, 1958.

CHAP. 491. AN ACT RELATIVE TO THE TAXATION OF CERTAIN INCOME OF A TAXPAYER WHO DURING A CALENDAR YEAR HAS EARNED INCOME BOTH AS A RESIDENT AND NON-RESIDENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 5A of chapter 62 of the General Laws is hereby amended by striking out subsection (c), as amended by section 3 of chapter 677 of the acts of 1957, and inserting in place thereof the fol-

lowing subsection: — (c) On the amounts by which the business income, as defined in section six, derived by non-residents from sources within the commonwealth, exceeds the exemptions provided by this section, there shall be levied, assessed and collected a tax at the rate prescribed by subsection (b) of section five. Said non-residents shall be entitled to the same exemptions to which inhabitants are entitled under the provisions of subsection (b) of section five and to the same deductions for a spouse and dependents to which inhabitants are entitled under the provisions of subsection (h) of section six; provided, however, that if a taxpayer is required to file both a resident and a non-resident return to report income received during the preceding calendar year, said exemptions and said deductions for a spouse and dependents shall be divided between such returns in such manner as the taxpayer may elect, provided that the aggregate amount of such exemptions and deductions so claimed does not exceed that which would have been available to the taxpayer if he had filed a single return for such year. Said non-residents shall be entitled to the same deductions specified in subsections (a) through (g) and in subsection (i) of section six, as are inhabitants, except in the instance of a non-resident such deductions shall be limited to that portion associated with the production of taxable income within the commonwealth. In determining such income, the rental value of living quarters furnished to any non-resident as part of his compensation shall be included. Retirement allowances, however described, from the commonwealth, or any county, city, town or district thereof, or from any person or entity, including a present or former employer of the recipient, shall be exempt from taxation under this section.

SECTION 2. Section 22 of said chapter 62, as most recently amended by section 3 of chapter 435 of the acts of 1957, is hereby further amended by adding at the end the following paragraph: —

Every individual, not otherwise required to file a return under the foregoing provisions of this section, who is a resident for a portion of a taxable year and a non-resident for a portion of said year and whose income received during the portion of the year for which he was a non-resident from professions, employment, trade or business, carried on in person or by a partnership, association or trust, of which he is a member, within the commonwealth together with his income received during the portion of the year for which he was a resident from professions, employment, trade or business, exceeds two thousand dollars, shall file separate returns reporting, respectively, the income received as a resident and as a non-resident.

SECTION 3. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved July 29, 1958.

CHAP. 492. AN ACT EXEMPTING CERTAIN LOTS FROM THE APPLICATION OF CERTAIN ZONING ORDINANCES OR BY-LAWS.

Be it enacted, etc., as follows:

Chapter 40A of the General Laws is hereby amended by inserting after section 5 the following section: — *Section 5A.* Any lot lawfully laid out by plan or deed duly recorded or registered in the appropriate

registry of deeds or land registry district that complies, at the time of such recording or registering, with any minimum area and frontage requirements of any zoning ordinance or by-law in effect in the city or town where the land is situated may thereafter be built upon for residential use notwithstanding the adoption or amendment of a zoning ordinance or by-law in such city or town imposing minimum area and frontage requirements in excess of the area or frontage, or both, of such lot, provided that at the time of building such lot has an area of more than five thousand square feet, a frontage of fifty feet or more, and is in a district zoned for residential use and conforms except as to area and frontage with the zoning ordinance or by-law in effect in such city or town, and that at the time of adoption of such requirements or increased requirements such lot was held in ownership separate from that of adjoining land.

Approved July 29, 1958.

CHAP. 493. AN ACT AUTHORIZING THE CITY OF EVERETT TO CONVEY ALL OR A PORTION OF MARINE CORPS LEAGUE PARK TOGETHER WITH ANOTHER PARCEL OF LAND WITH THE BUILDING THEREON IN SAID CITY TO THE METROPOLITAN DISTRICT COMMISSION FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The mayor and the park commission of the city of Everett are hereby authorized on behalf of said city to convey or otherwise transfer without consideration to the metropolitan district commission in the name of the commonwealth for recreational purposes all or any portion of a certain parcel of land now known as Marine Corps League Park, and a certain parcel of land adjacent thereto together with the recreational building thereon, located in said city, both of which parcels are held by said city for park purposes.

SECTION 2. In the event the recreational building now located on said land is conveyed to the metropolitan district commission as provided in section one of this act, it may be leased for a nominal sum to the city of Everett for recreational purposes when its use is not required by the metropolitan district commission for summer activity.

SECTION 3. This act shall take effect upon its passage.

Approved August 1, 1958.

CHAP. 494. AN ACT RELATIVE TO THE TRAVELING EXPENSES OF MEMBERS OF THE BOARD OF REGISTRATION IN OPTOMETRY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately correct an inequity whereby the mileage allowance which may be paid to members of the board of registration in optometry is considerably less than that allowed other officials and employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 13 of the General Laws, as amended by section 16 of chapter 730 of the acts of 1955, is hereby further amended by striking out, in line 6, the words “, not exceeding four cents

a mile each way", — so as to read as follows: — *Section 18.* There shall be paid by the commonwealth to the secretary of the board a salary of six hundred dollars, to each other member thereof a salary of four hundred and fifty dollars and to each member thereof his necessary traveling expenses actually incurred in attending the meetings of the board and such other expenses of the board as are incurred under section sixteen or seventeen or under sections sixty-six to seventy-three, inclusive, of chapter one hundred and twelve.

SECTION 2. This act shall take effect as of January first, nineteen hundred and fifty-eight.

Approved August 1, 1958.

CHAP. 495. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RENEW AND REPLACE BUOYS MARKING THE CHANNEL OF PLUM ISLAND RIVER.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to renew and replace certain buoys marking the channel of the Plum Island river between the Merrimack river and Ipswich Bay, which channel was authorized to be so marked under the provisions of chapter four hundred and thirty-eight of the acts of nineteen hundred and fifty-three. For said purposes, said department may expend such sums as may be appropriated therefor.

SECTION 2. This act shall take effect upon its passage.

Approved August 1, 1958.

CHAP. 496. AN ACT AUTHORIZING THE TOWN OF ROCHESTER TO ASSUME CONTROL OF A CERTAIN CEMETERY IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The Hillside Cemetery Association, a corporation duly organized under the laws of the commonwealth and having a usual place of business in the town of Rochester, may, by deed duly executed, convey and transfer to said town, and the town is hereby authorized and empowered to receive, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of said corporation not subject to any trust, and thereupon, and upon the transfer of the trust funds as hereinafter provided, the said corporation shall be dissolved; and the cemetery of said corporation shall be and become a public burial place, grounds or cemetery.

SECTION 2. The immediate care and management of said cemetery shall be in the board of cemetery commissioners which may receive and shall have charge of the expenditure of any appropriations made by said town for the care of said cemetery and any other funds or property acquired for the purposes of this act, subject to the provisions of any trust relative thereto and all rights heretofore existing in any burial lot or fund established for the care thereof.

SECTION 3. In so far as authorized by a decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, said town upon taking possession and assuming control of said

property as provided in section one may receive from the said corporation all funds or other property held by said corporation in trust for the perpetual care of the lots in said cemetery and for other purposes, and also any property devised or bequeathed to the corporation under the will of any person living at the time of said transfer or conveyance, or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of said corporation, or of any lot in said cemetery, may, after such conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trust.

SECTION 4. All real and personal property and property rights acquired by said town from said corporation under authority of this act shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in the cemetery of said corporation or any lot therein shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of said corporation shall be delivered to the clerk of said town and such clerk may certify copies thereof.

SECTION 5. This act shall take full effect upon its acceptance by a majority vote of the voters of the town of Rochester voting thereon at a regular or special town meeting, but not otherwise.

Approved August 1, 1958.

CHAP. 497. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO BORROW A SUM OF MONEY FOR ADDITIONS AND IMPROVEMENTS TO THE WATER SYSTEM OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield, for the purpose of paying necessary expenses and liabilities incurred in constructing additions to and in improving its water supply system and water transmission facilities, including necessary engineering and legal expenses in connection therewith and the cost of acquisition of necessary land, may borrow from time to time within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, seven hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, City of Pittsfield Water Supply Improvement Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than twenty years from their dates. Indebtedness incurred under this act shall be within the limits of the amount prescribed by the last paragraph of section eight of chapter forty-four of the General Laws and, except as otherwise provided herein, shall be subject to the provisions of said chapter.

SECTION 2. This act shall take effect upon its acceptance by vote of the city council of the city of Pittsfield, subject to the provisions of its charter, but not otherwise.

Approved August 1, 1958.

CHAP. 498. AN ACT RELATIVE TO THE METHOD OF KEEPING AND INDEXING OF CERTAIN RECORDS IN THE PROBATE REGISTRIES.

Be it enacted, etc., as follows:

Section 36 of chapter 215 of the General Laws, as most recently amended by chapter 32 of the acts of 1957, is hereby further amended by inserting after the word "thirty", in line 10, the words: —, by entering the same upon the pages thereof in fair and legible handwriting, printing, typewriting, or by photographic process, or by any combination of any two or more of such methods. They may also direct the recording of decrees, orders, instruments and other proceedings in their offices by means of microphotography or other similar photographic process, and, in such case need not maintain books for such records but shall provide such filing equipment therefor as they deem proper, the cost of which shall be paid by the county. When such recording is by photographic process, registers shall keep an alphabetical index thereof, or other appropriate description of and reference to the film upon which such recording may be found.

Approved August 1, 1958.

CHAP. 499. AN ACT ESTABLISHING A BOARD OF MANAGERS OF PUBLIC BURIAL PLACES IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. A board of managers of public burial places of the city of Quincy is hereby established. Said board shall consist of seven members, one of whom shall be the veterans' graves registration officer of said city, and six of whom shall be residents of said city appointed by the mayor. Of the members of the board first appointed by the mayor two shall be appointed for a term expiring on September first, nineteen hundred and fifty-nine, two for a term expiring September first, nineteen hundred and sixty and two for a term expiring September first, nineteen hundred and sixty-one, provided, however, that each such member shall continue to serve until his successor shall be duly appointed and qualified. The successor of each such appointive member shall be appointed for a term of three years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointive member of the board shall be eligible for reappointment. The members of the board shall annually elect their own chairman and secretary. For services on said board, its members shall receive no compensation. Any appointive member of the board may be removed by the mayor in accordance with the provisions of section fifty-four of chapter forty-three of the General Laws.

SECTION 2. Said board shall have the charge and management of all the public cemeteries and burial places of the city of Quincy, and the general supervision and expenditure of all appropriations made for cemetery purposes, and shall promulgate rules and regulations governing the sale of lots and the establishment of perpetual care therefor.

SECTION 3. Said board may lay out cemeteries and burial places into lots, and may sell and convey said lots to residents of the city or to the next of kin of a deceased resident with the exclusive right of

burial and of erecting tombs, stones, monuments, mausoleums, crypts or cenotaphs on the lots upon such terms, conditions and regulations as it shall prescribe.

SECTION 4. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter.

Approved August 1, 1958.

CHAP. 500. AN ACT RELATIVE TO FEES AND CHARGES OF REGISTERS OF PROBATE AND INSOLVENCY FOR FILING OF CERTAIN ACCOUNTS.

Be it enacted, etc., as follows:

Section 40 of chapter 262 of the General Laws is hereby amended by striking out the eighth paragraph, as most recently amended by section 1 of chapter 632 of the acts of 1956, and inserting in place thereof the following paragraph: —

For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is one thousand dollars or less, no fee; where the said gross value is more than one thousand dollars but less than ten thousand dollars, five dollars a year or major fraction thereof, provided the fee shall not exceed ten dollars, regardless of the time covered by the account; where the said gross value is ten thousand dollars or more, five dollars for each year or major fraction thereof covered by such account.

Approved August 1, 1958.

CHAP. 501. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO DEVELOP PARKING FACILITIES ADJACENT TO SCIENCE PARK.

Be it enacted, etc., as follows:

For the purpose of providing parking space for the public in connection with its use of the expanding facilities provided by the Boston Society of Natural History, the metropolitan district commission shall acquire and develop such areas for parking motor vehicles as it may deem advisable on or near the Charles River Dam, so-called, between the city of Boston and the city of Cambridge, and shall erect such structures as may be necessary or desirable in connection with such development. For said purpose the department of public works shall cooperate with said metropolitan district commission by making available land or other facilities under its control, and shall assist the commission in such other manner as said department may deem appropriate.

Approved August 1, 1958.

CHAP. 502. AN ACT PROVIDING THAT THE COMMISSIONER OF REHABILITATION SHALL BE A MEMBER OF THE ADVISORY COUNCIL ON ALCOHOLISM.

Be it enacted, etc., as follows:

Section 95 of chapter 6 of the General Laws, as appearing in section 2 of chapter 715 of the acts of 1956, is hereby amended by inserting after the word "vehicles", in line 5, the words: — , the commissioner of rehabilitation.

Approved August 1, 1958.

CHAP. 503. AN ACT RELATIVE TO THE ABATEMENT OF EXCESS TAX PAYMENTS BY CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 63 of the General Laws is hereby amended by striking out section 51, as most recently amended by section 1 of chapter 434 of the acts of 1957, and inserting in place thereof the following section: — *Section 51.* If the tax shown on the return filed by any corporation pursuant to section thirty-five or section forty is believed by it to be excessive, such corporation may apply to the commission for abatement thereof at any time within three years from the last day for filing such return, determined without regard to any extension of time. In the event that the tax on account of any taxable year paid by any corporation on or before the fifteenth day of the third month following the close of such year is in excess of the tax shown to be due on its return for such year such return itself shall be treated as an application for abatement for the refund of such excess. Any corporation aggrieved by the assessment of a tax under sections thirty to fifty, inclusive, may apply to the commission for an abatement thereof at any time within two years after the date upon which the notice of assessment is sent. If after a hearing or otherwise the commission finds that the tax is excessive in amount or that the corporation assessed is not subject thereto, it shall abate it in whole or in part accordingly. If the tax has been paid, the state treasurer shall repay to the corporation assessed the amount of such abatement, with interest thereon at the rate of six per cent per annum from the time when it was paid; provided, however, that in cases where the return itself is treated as an application for abatement, the amount of the refund shall be repaid without interest. Any corporation aggrieved by the refusal of the commission to abate a tax in whole or in part under this section may appeal in the manner provided by section seventy-one.

SECTION 2. This act shall apply to returns filed for taxable years ending December thirty-first, nineteen hundred and fifty-eight, and thereafter.

Approved August 1, 1958.

CHAP. 504. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE COUNTY OF DUKES COUNTY MAY BORROW FOR IMPROVING THE COUNTY AIRPORT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 201 of the acts of 1957 is hereby amended by striking out, in line 4, the word “fifty” and inserting in place thereof the word: — ninety, — so as to read as follows: — *Section 1.* The county commissioners of the county of Dukes county may expend, for the purpose of improving the public airport operated by said county, a sum not exceeding ninety thousand dollars.

SECTION 2. Section 2 of said chapter 201 is hereby amended by striking out, in line 4, the word “fifty” and inserting in place thereof the word: — ninety, — and by striking out, in line 9, the word “four” and inserting in place thereof the word: — nine, — so as to read as follows: — *Section 2.* For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the

aggregate, ninety thousand dollars, and may issue notes of the county therefor, which shall bear on their face the words, Dukes County Airport Loan, Act of 1957. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than nine years from their dates. Such notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved August 6, 1958.

CHAP. 505. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO CONSTRUCT AN ADDITION TO THE COURT HOUSE IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 388 of the acts of 1957 is hereby amended by striking out section 1 and inserting in place thereof the following section: — *Section 1.* The county commissioners of the county of Bristol are hereby authorized to expend a sum not exceeding one hundred and ninety-five thousand dollars for the repair, alteration and renovation of the building presently housing the first district court of Bristol at Taunton and for the construction of an addition to said building. In making such repairs, alterations and renovations the present exterior design of said building, excepting the rear thereof, shall be retained.

SECTION 2. Section 2 of said chapter 388 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — To provide funds for the repair, alteration, renovation and construction mentioned in section one of this act, the treasurer of the county of Bristol, with the approval of said county commissioners, may borrow a sum not exceeding one hundred and ninety-five thousand dollars, and may issue bonds therefor, which shall bear on their face the words, Bristol County Court House Loan, Act of 1957.

SECTION 3. This act shall take effect upon its passage.

Approved August 6, 1958.

CHAP. 506. AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO PERMIT THE NORFOLK COUNTY MARINE CORPS LEAGUE TO ERECT A MONUMENT IN THE NORFOLK COUNTY MARINE CORPS LEAGUE MEMORIAL CIRCLE IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to permit the Norfolk County Marine Corps League to erect a monument commemorating the Marine Corps in the Norfolk County Marine Corps League Memorial Circle in the town of Dedham.

SECTION 2. This act shall take effect upon its passage.

Approved August 6, 1958.

CHAP. 507. AN ACT AUTHORIZING THE INHABITANTS OF THE TOWN OF WATERTOWN TO SELL CERTAIN LAND KNOWN AS BEMIS DUMP AND McNAMARA'S DUMP.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the Town of Watertown are hereby authorized and empowered to sell certain land of said town situated therein, formerly used for dumping purposes, known as Bemis Dump on Pleasant street and McNamara's Dump on Grove street. Said land may be sold either at public auction or by private sale as the majority of the town meeting members of said town voting thereon may determine at an annual or special town meeting called for the purpose.

SECTION 2. This act shall take effect upon its passage.

Approved August 6, 1958.

CHAP. 508. AN ACT INCLUDING THE RHODE ISLAND SCHOOL FOR THE DEAF AND CERTAIN OTHER SCHOOLS FOR THE DEAF WITHOUT THE COMMONWEALTH AS INSTITUTIONS TO WHICH THE DEPARTMENT OF EDUCATION MAY SEND PERSONS FOR EDUCATION.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by striking out section 26, as most recently amended by chapter 582 of the acts of 1957, and inserting in place thereof the following section: — *Section 26.* The department may, upon the request of the parents or guardians and with the approval of the governor, send such deaf, such blind and such aphasic persons as it considers proper subjects for education, for a term not exceeding twelve years to the American School, at Hartford, for the Deaf, in the state of Connecticut, to the Clarke School for the Deaf at Northampton, to the Horace Mann School at Boston, to the Beverly School for the Deaf at Beverly, to the Boston School for the Deaf at Randolph, the Rhode Island School for the Deaf, at Providence, Rhode Island, to any other school for the deaf or school affording remedial treatment for the deaf within or without the commonwealth, as the parents or guardians may prefer, or to the Perkins School for the Blind or any other school within or without the commonwealth which provides instruction to the blind; or to any school within or without the commonwealth which provides instruction for aphasic persons; provided, that each of said schools shall offer in the ninth, tenth, eleventh and twelfth years an educational curriculum equivalent to that in the secondary schools of the commonwealth, as determined by the department. Upon like request and with like approval, the department may continue for a longer term the instruction of any of such persons who are meritorious pupils recommended by the principal or other chief administrator of the school which they attend. With the approval of the governor the department may, at the expense of the commonwealth, make such provision for the care and education of children who are both deaf and blind as it may deem expedient. No such pupil shall be withdrawn from such institutions or schools except with the consent of the authorities thereof or of the department; and the expenses of the instruction and support

of such pupils therein, actually rendered or furnished, including their necessary traveling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefor, shall be paid by the commonwealth; but the parents or guardians of such children, who are able wholly or in part to provide for their support and care, to the extent of their ability may be required by the department to reimburse the commonwealth therefor. *Approved August 6, 1958.*

CHAP. 509. AN ACT RELATIVE TO THE VERIFICATION AND ASSESSMENT OF INCOME TAX RETURNS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 62 of the General Laws is hereby amended by striking out section 30, as most recently amended by section 1 of chapter 310 of the acts of 1956, and inserting in place thereof the following section: — *Section 30.* In order to verify any return made pursuant to this chapter the commissioner may, at any time within three years from the last day for filing the return required by this chapter, or from the day on which said return was actually filed, whichever is later, direct by special authorization a deputy or other agent to verify the return; and for the purpose of such verification the books and papers of the person shall be open to the examining officer, or shall be produced for the purpose upon a summons, which the commissioner, or the examining officer, may issue. The person making the return may be examined by such officer on oath. Where, prior to the expiration of the time prescribed in this section for the verification of any return, both the commissioner and the taxpayer have consented in writing to its verification after such time, such return may be verified at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SECTION 2. Said chapter 62 is hereby further amended by striking out section 37, as most recently amended by section 2 of said chapter 310, and inserting in place thereof the following section: — *Section 37.* If the commissioner finds from the verification of a return, or otherwise, that the income of any person subject to taxation under this chapter, or any portion thereof, has not been assessed, he may, at any time within three years from the last day for filing the return required by this chapter, or from the day on which said return was actually filed, whichever is later, assess the same, first giving notice to the person so to be assessed of his intention, and such person shall thereupon have an opportunity within ten days after such notification to confer with the commissioner in person or by counsel or other representative as to the proposed assessment. Where, prior to the expiration of the time prescribed in this section for the assessment of any tax, both the commissioner and the taxpayer have consented in writing to its assessment after such time, such tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. After the expiration of ten days from such notification the commissioner shall assess the income of

such person subject to taxation, or any portion thereof, which he believes has not theretofore been assessed, and he shall thereupon give notice as provided in section thirty-nine to the person so assessed. In the case of a false or fraudulent return filed with intent to evade a tax or of a failure to file a return, the commissioner may make an assessment at any time. The provisions of this chapter in respect to the abatement and collection of taxes shall apply to a tax so assessed. Whenever, in the course of a verification of the returns of a taxpayer pursuant to section thirty, the commissioner finds that an overpayment of the total amount of taxes due from such taxpayer has been made on any year's return subject to verification, the amount of the overpayment may, in the discretion of the commissioner, be refunded if it exceeds two dollars. In the case of such a refund, the state treasurer shall repay to the taxpayer the amount of the overpayment without interest. In the event that no such refund is made, the amount of such overpayment shall be deducted from the amount of any additional tax found to be due on any other year's return so verified, and only the net amount thus determined to be due, with interest as provided in section thirty-seven A, shall be assessed additionally.

SECTION 3. This act shall take effect with respect to returns for taxable years beginning after December thirty-first, nineteen hundred and fifty-seven.

Approved August 6, 1958.

CHAP. 510. AN ACT RELATIVE TO DEDUCTIONS FOR A SPOUSE AND DEPENDENTS UNDER THE INCOME TAX LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 62 of the General Laws is hereby amended by striking out clause (h), as most recently amended by section 1 of chapter 657 of the acts of 1954, and inserting in place thereof the following clause: —

(h) The sum of five hundred dollars for a spouse who was not the dependent of another taxpayer and whose income from all sources did not exceed two thousand dollars during the year and the sum of four hundred dollars for each dependent.

For the purposes of this chapter, the determination of whether the taxpayer is married shall be made as of the close of the year; except that if his spouse dies during the year such determination shall be made as of the time of such death. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

For the purposes of this clause, the term "dependent" shall mean any of the following individuals who received over half of his support for the year from the taxpayer: —

(1) a son, stepson, daughter or stepdaughter of the taxpayer who had not attained the age of nineteen at the close of the year or who had attained the age of nineteen and was at the close of the year incapable of self-support because of physical or mental disability.

(2) an individual who, for the year, had as his principal place of abode the home of the taxpayer and was a member of the taxpayer's household or who for the year received institutional care required by

reason of physical or mental disability and before receiving such institutional care was a member of the same household as the taxpayer.

(3) a parent of the taxpayer.

The aforesaid deduction for each dependent shall not be allowed to both husband and wife, but may be allowed to either as they shall mutually agree, or shall be prorated between them in proportion to the net income of each from professions, employment, trade or business in excess of two thousand dollars.

SECTION 2. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved August 6, 1958.

CHAP. 511. AN ACT MAKING CERTAIN VETERANS OF THE KOREAN WAR ELIGIBLE TO TAKE CIVIL SERVICE EXAMINATIONS, NOTWITHSTANDING ANY AGE REQUIREMENTS.

Be it enacted, etc., as follows:

SECTION 1. No Korean veteran, as defined in clause Forty-third of section seven of chapter four of the General Laws, who has been honorably discharged from the service of the armed forces of the United States, shall be disqualified by reason of age from taking an examination under chapter thirty-one of the General Laws for any particular position, if at the time of his entry into such service he was of a proper age to qualify for such examination, any provision of law or rule establishing an age limit to the contrary notwithstanding.

SECTION 2. This act shall cease to be operative on January thirty-first, nineteen hundred and sixty.

Approved August 6, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, August 7, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 511 of the Acts of 1958, entitled, "An Act Making Certain Veterans of the Korean War Eligible to Take Civil Service Examinations, Notwithstanding Any Age Requirements" and the enactment of which received my approval on August 6, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will unnecessarily delay certain veterans of the Korean War from taking certain civil service examinations.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 7, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and fifteen minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and eleven of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 512. AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF AMERICA OF CERTAIN LAND FOR USE IN CONNECTION WITH A MILITARY RESERVATION KNOWN AS LAURENCE G. HANSCOM FIELD AND GRANTING AND CEDING JURISDICTION OVER SUCH LAND.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the acquisition by the United States of America, for use as a military reservation and related purposes, of a certain parcel of land situated in the town of Lincoln, bounded and described as follows: — Beginning at a point on the westerly line of South Road on the division line between land of the United States of America and land now or formerly of Sarah E. Holmes, which point is 922 feet, more or less, northwesterly from the intersection of the west line of South Road and the north line of Nelson Road; thence South 51° West by land now or formerly of Sarah E. Holmes 100 feet, more or less, to a point; thence by land now or formerly of Sarah E. Holmes and James M. and Henry P. Neville, South 49° 45' 50" West 65.65 feet, South 30° 33' 30" East 577.67 feet and South 29° 49' 20" East 236.72 feet to a drill hole in a stone wall at Nelson Road; thence by a stone wall on the north side of Nelson Road South 74° 18' 50" West 203.23 feet to a drill hole, South 85° 39' 30" West 54.00 feet, South 80° 36' 50" West 100.75 feet, South 74° 54' 30" West 142.76 feet, South 51° 30' 08" West 45.59 feet, South 60° 30' 50" West 123.54 feet, South 56° 55' 20" West 197.52 feet, South 55° 57' 30" West 205.13 feet, South 58° 33' 00" West 82.55 feet, South 76° 16' 20" West 176.03 feet, South 83° 08' 10" West 165.64 feet to land, now or formerly, of J. C. and I. R. Haganian; thence by land, now or formerly, of J. C. and I. R. Haganian North 11° 39' 20" West 312.19 feet and South 46° 53' 50" West 187.55 feet to a corner at land, now or formerly, of Buttrick, said corner marked by a Massachusetts land Court Disc; thence by land, now or formerly, of Buttrick North 86° 33' 00" West 382.06 feet to land, now or formerly, of Richard Murray; thence by land, now or formerly, of Richard Murray North 26° 37' 40" East 221.38 feet to a corner, North 75° 54' 10" West 109.94 feet, North 75° 51' 00" West 160.08 feet to a stone bound, North 15° 19' 20" East 97.09 feet, North 82° 10' 50" West 73.06 feet, South 19° 58' 20" West 117.72 feet to the centerline of a brook; thence by the centerline of said brook North 65° 44' 20" West 77.88 feet, North 54° 43' 40" West 50.22 feet, North 49° 01' 40" West 50.33 feet, North 54° 10' 40" West 135.12

feet to a corner at the centerline of brook; thence continuing by land, now or formerly, of Richard Murray North $28^{\circ} 46' 00''$ East 147.0 feet and North $38^{\circ} 00'$ West 451.0 feet to land, now or formerly, of Harry Cook, et ux; thence North $31^{\circ} 11' 20''$ West by land, now or formerly, of Harry Cook, et ux 463 feet, more or less, to a stone wall at land, now or formerly, of Mary E. Silva; thence North $31^{\circ} 11' 20''$ by land, now or formerly, of Mary E. Silva 657 feet, more or less, to land, now or formerly of Ralph E. Butcher; thence by land, now or formerly, of Ralph E. Butcher North $31^{\circ} 11' 20''$ West 100 feet, more or less and North $39^{\circ} 58' 10''$ West 577 feet, more or less, to a stone wall at land, now or formerly, of Mary F. McHugh; thence North $39^{\circ} 58' 10''$ West by land, now or formerly of Mary F. McHugh 482 feet, more or less, to land of the Commonwealth of Massachusetts at a point 100 feet southerly from and at right angle to the centerline of Old Bedford Road (Relocated); thence northeasterly parallel to and 100 feet from the centerline of Old Bedford Road (Relocated) by land of the Commonwealth of Massachusetts 310 feet, more or less, to other land of the United States of America; thence by other land of the United States of America northeasterly parallel to and 100 feet from the centerline of Old Bedford Road (Relocated) 500 feet, more or less, to a point, North 82° East 160 feet, more or less, northeasterly 310 feet, more or less, to a point 33 feet southeasterly from and at right angle to the centerline of the relocated Old Bedford Road, thence continuing by other land of the United States of America and running parallel to and 33 feet from the centerline of the relocated Bedford Road, North $57^{\circ} 29'$ East 695 feet, more or less, to a point of curvature, easterly by a curve to the right of radius 369.20 feet a distance of 220 feet, more or less, to the Bedford-Lincoln Town Line; thence continuing by other land of the United States of America along the Bedford-Lincoln Town Line, southeasterly 146 feet, more or less and North $63^{\circ} 29' 50''$ East, 200.91 feet, more or less, to the easterly line of South Road; thence South $32^{\circ} 49' 50''$ East along the easterly line of South Road by other land of the United States of America 3,005 feet, more or less, to a point directly opposite the point of beginning; thence South $57^{\circ} 10' 10''$ West crossing South street 150.0 feet to the point of beginning. Containing 190.40 acres, more or less.

SECTION 2. Jurisdiction over the above described land is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, to the extent that all civil processes and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said land and all processes for collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though jurisdiction had not been ceded; provided, that exclusive jurisdiction over that portion of the above described land comprising the public road or highway known as State Access road, also known as South street, shall vest in the United States of America only after said public road or highway has been abandoned, closed or otherwise discontinued by proper authority and all right title and interest therein acquired by the United States of America; and provided, further, that the exclusive jurisdiction in and over the above described land

shall revert to and revest in the commonwealth whenever such land shall cease to be used for the purposes set forth in section one.

SECTION 3. This act shall take full effect upon the depositing in the office of the state secretary within one year after its effective date of a suitable plan of the parcel of land described in section one, but not otherwise.

Approved August 11, 1958.

CHAP. 513. AN ACT ESTABLISHING THE FINAL DAY FOR FILING A PROPOSED ORDINANCE ESTABLISHING THE SALARIES OF MAYORS, CITY MANAGERS AND MEMBERS OF BOARDS OF ALDERMEN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a final day for the filing with a city clerk or the state secretary of ordinances changing the salaries of mayors, city managers, councillors or members of boards of aldermen, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 39 of the General Laws, as amended by section 1 of chapter 72 of the acts of the current year, is hereby further amended by adding at the end the following sentence: — The proposed ordinance shall be filed with the city clerk or state secretary, as the case may be, not later than five o'clock post meridian on the sixtieth day preceding the election at which it is to be voted upon.

SECTION 2. Section 17A of chapter 43 of the General Laws, as amended by section 2 of said chapter 72, is hereby further amended by adding at the end the following sentence: — The proposed ordinance shall be filed with the city clerk or state secretary, as the case may be, not later than five o'clock post meridian on the sixtieth day preceding the election at which it is to be voted upon.

Approved August 11, 1958.

CHAP. 514. AN ACT INCREASING THE PERIOD FOR WHICH HOLDERS OF ALCOHOLIC BEVERAGES LICENSES WHOSE LICENSED PREMISES HAVE BEEN TAKEN BY PUBLIC AUTHORITY MAY RETAIN SAID LICENSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is the protection of the rights of the holders of alcoholic beverage licenses when the licensed premises have been taken by public authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 23B of chapter 138 of the General Laws, inserted by chapter 382 of the acts of 1955, is hereby amended by striking out, in line 12, the word "two" and inserting in place thereof the word: — four, — so as to read as follows: — *Section 23B.* Any holder of a license issued under this chapter to do business on certain premises which are subsequently taken by public authority and who is required to remove his business from such premises shall not thereby be deprived of his license. Such licensee may apply to the local licensing authorities for a transfer of the

license to another location, and in the event that a suitable location is not available which is approved by the licensing authorities, said license shall be reserved for the licensee until such time as a suitable location is approved, but in no event shall such license be reserved for a period longer than four years from the date of the taking. Licensees in this classification shall be entitled to a rebate of the fee which has been prepaid for that period during which they are prevented from exercising said license, and the rebate shall be pro-rated in accordance with the local licensing fees, and such licensees who have not been able to obtain an approved location at the end of a license year shall have the right to renewal of said license upon the filing of a renewal application and upon the payment of one tenth of the local license fee. When such licensee shall have obtained an approved location, the license fee shall be paid for the balance of the year on a pro-rata basis.

Approved August 11, 1958.

CHAP. 515. AN ACT RELATIVE TO THE ISSUANCE OF PERMITS RELATING TO RESIDENTIAL BUILDINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent delay and inaction on applications for permits for the building of certain dwellings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 3 of chapter 143 of the General Laws, is hereby amended by inserting after the second paragraph the following paragraph: —

The officer or board charged with the duty of issuing permits for the construction, alteration, repair, height, area, location or use of buildings or other structures within the limits of a city, town or district shall, within thirty days of the receipt of an application for a permit for the original construction of a residential building with accommodations for not more than four families, issue or refuse to issue such permit and notify the applicant in writing of such decision. If such officer or board refuses to issue such permit, written notification of such decision shall be delivered to the applicant in person or sent by registered or certified mail to him at the address given in the application and shall set forth clearly and in detail all the reasons for such refusal, including all particulars wherein the application and proposed work fail to comply with existing law. If such officer or board fails within said thirty days to act on such application, such permit shall be deemed to have been issued; and any person, municipal officer or board aggrieved thereby shall have the same rights of appeal as though such permit had been issued by such officer or board; provided, that the applicant shall file with the city or town clerk, within thirty-five days of the date on which the application was filed, a notice of failure of such officer or board to act on such application. No construction shall be commenced in case of failure to act until twenty days shall have elapsed after the notice of failure has been filed with such clerk and there has been no appeal entered. The period of any right of appeal by any person, municipal officer or board, aggrieved thereby, shall commence to run upon the filing of said notice with said clerk.

Approved August 11, 1958.

CHAP. 516. AN ACT ESTABLISHING THE ESSEX COUNTY MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The area in Essex county not including any city or town already a member of an organized mosquito control project is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Essex County Mosquito Control Project.

Beginning with the fiscal year commencing July first, nineteen hundred and fifty-eight, to meet the expenses incurred under this act, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to fifteen cents on each one thousand dollars of taxable valuations of all such cities and towns and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended by the Essex County Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 3. Any city or town which becomes a part of the mosquito control project established under section one may withdraw from membership in said project after the expiration of one year, provided, that in a city having a Plan D or Plan E charter the city council so votes prior to the expiration of one year from the effective date of this act, and that in other cities the city council so votes with the approval of the mayor within such time; and provided, further, that in a town said town so votes at a regular or special town meeting held prior to the expiration of one year from the effective date of this act; otherwise, said city or town shall continue as a member of said project.

SECTION 4. Any city having a Plan D or Plan E charter by vote of its city council, and any other city by vote of its city council with the approval of its mayor, and any town by majority vote of the voters at an annual town meeting, may, after this act has been in effect therein for a period of three years, withdraw from membership in the mosquito control project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city or town.

SECTION 5. This act shall take effect upon its passage.

Approved August 11, 1958.

CHAP. 517. AN ACT AUTHORIZING THE CITY OF WALTHAM TO BORROW MONEY FOR INCINERATOR PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling, reconstructing, enlarging and re-equipping an incinerator, or any of the foregoing, the city of Waltham may, from time to time, borrow such sums as may be necessary not exceeding in the aggregate two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, City of Waltham Incinerator Loan, Act of 1958. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, and, except as provided herein, shall be subject to the provisions of chapter forty-four of the General Laws, excluding the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved August 11, 1958.

CHAP. 518. AN ACT TO AUTHORIZE THE FORMATION OF A REGIONAL SCHOOL DISTRICT BY THE CITY OF NORTH ADAMS AND THE TOWNS OF ADAMS, WILLIAMSTOWN, CLARKSBURG, FLORIDA, SAVOY, MONROE, CHESHIRE, LANESBOROUGH, NEW ASHFORD, HANCOCK, HEATH, HAWLEY, CHARLEMONT AND ROWE.

Be it enacted, etc., as follows:

SECTION 1. The city of North Adams, by vote of its city council, and the towns of Adams, Williamstown, Clarksburg, Florida, Savoy, Monroe, Cheshire, Lanesborough, New Ashford, Hancock, Heath, Hawley, Charlemont and Rowe, or any two or more of said towns by vote in town meeting duly called therefor, may create a special unpaid board to be known as a regional school district planning board, to consist of one member of the school committee of said city to be appointed by the city council, and one member of the school committee of each of said towns so voting to be appointed by the moderator. Said city and each of said towns may appropriate for the expense of said board such sum or sums, not exceeding one tenth of one per cent of the assessed valuation of such municipality in the preceding year, as it may deem necessary. Said board shall organize forthwith upon its appointment by the election of a chairman and secretary-treasurer.

SECTION 2. It shall be the duty of the regional school district planning board to study the advisability of establishing a regional school district, its organization, operation and control, and of constructing, maintaining and operating a school or schools to serve the needs of such district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a regional school district; and to submit a report of its findings and recommendations to the city council of said city and to the selectmen of each of said towns.

SECTION 3. The said regional district planning board may recommend that there shall be established a regional school district which may include all the municipalities represented by its membership, or alternatively, any specified combination of such municipalities. If the said

regional district planning board so recommends, it shall submit a proposed agreement or agreements setting forth as to each alternative recommendation, if such be made, the following: —

(a) The number, composition, method of selection, and terms of office of the members of the regional district school committee.

(b) The municipality or municipalities in which, or the general area within the regional school district where, the regional district school or schools are to be located.

(c) The type of regional district school or schools, which may, if so stated in the agreement, include independent distributive occupations, industrial, agricultural and household arts schools under chapter seventy-four of the General Laws, and practical art classes under section fourteen of said chapter seventy-four.

(d) The method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, including any interest and retirement of principal of any bonds or other obligations issued by the district among the several municipalities comprising the district, and the time and manner of payment of the shares of said municipalities of any such expense.

(e) The method by which school transportation shall be provided.

(f) The terms by which any municipality may be admitted to or separated from the regional school district.

(g) The method by which the agreement may be amended.

(h) The detailed procedure for the preparation and adoption of an annual budget.

(i) Any other matters, not incompatible with law, which the said board may deem advisable.

Copies of such agreement shall be submitted to the emergency finance board, established under chapter forty-nine of the acts of nineteen hundred and thirty-three of the General Laws, and the department of education, and, subject to their approval, to the several municipalities for their acceptance.

SECTION 4. The agreement made under section three of this act, or any amendment to such an agreement, may contain provisions authorizing any member municipality to sell, lease or grant a license to use any school building and any land appurtenant thereto or used in connection therewith to the regional school district, and any such municipality may authorize such sale, lease or license accordingly, notwithstanding the provisions of section three of chapter forty of the General Laws or any other provisions of law to the contrary. In case of a sale, the price and time or times of payment and the method by which the municipalities other than the selling municipality shall be assessed for such payment shall be set forth in the agreement or amendment; but in no case shall payments be made which shall extend over a period in excess of twenty years. In the case of a lease or license to use the rental or license fee and terms of payment and assessment shall be set forth in the agreement or amendment. The lease or license to use may be for a term or period not in excess of twenty years, and may contain provisions for the extension of the lease or license to use for an additional term or period not in excess of twenty years, at the option of the regional district school committee.

SECTION 5. Upon receipt by the city council of North Adams of a recommendation that a regional school district be established, and of a

proposed agreement therefor submitted in accordance with the provisions of sections one to three, inclusive, of this act, said council shall direct the city clerk to cause the question of accepting the provisions of this act to be placed on the ballot to be used at the next state election or at the regular city election to be held in the year nineteen hundred and fifty-nine, whichever occurs first, in substantially the form hereinafter set forth; and upon receipt by the selectmen of each said town of a recommendation that a regional school district be established and of a proposed agreement therefor submitted in accordance with the provisions of sections one to three of this act, said selectmen shall cause to be presented for determination by vote, with printed ballots at an annual or a special town meeting called for the purpose the question of accepting the provisions of this act, which question shall be in substantially the following form: — "Shall the city (town) accept the provisions of an act passed by the General Court in the year nineteen hundred and fifty-eight, providing for the establishment of a regional school district by the city of North Adams and the towns of (such towns as may be recommended under section three of this act) and the construction, maintenance, and operation of a regional school by the said district in accordance with the provisions of a proposed agreement filed with the city council of said city and the selectmen of said towns?" If a majority of the voters in said city, present and voting, and a majority of the voters present and voting on said question in at least two of said towns shall vote in the affirmative, this act shall become fully effective, and the proposed regional school district, comprising said city and the towns which accepted this act as herein provided, shall be deemed to be established forthwith in accordance with the terms of the agreement so adopted.

SECTION 6. The regional school district established under the provisions of section five shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and with the following additional powers and duties: —

(a) To adopt a name and a corporate seal.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may sue or be sued.

(c) To acquire property within the municipalities comprising the district under the provisions of chapter seventy-nine and section fourteen of chapter forty of the General Laws, for the purposes of the district, and to construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, organize and operate a school or schools for the benefit of the municipalities comprising the district, and to make any necessary contracts in relation thereto.

(d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings for a term not exceeding twenty years or for the purpose of remodeling and making extraordinary repairs to a school building or buildings for a term not exceeding ten years; provided, however, that any indebtedness so incurred shall not exceed an amount approved by the emergency finance board; and provided, further, that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the city council of said city and to the board of selectmen in each of the member towns comprising the district not later than seven days after the date on which said debt was authorized by the district committee; and no debt may be incurred until the expiration of thirty

days from the date said debt was authorized by the district committee. If, prior to the expiration of said period, the city council of said city expresses disapproval of the amount authorized by the district committee, or any member town expresses such disapproval by vote of a majority of the voters present and voting on the matter at a town meeting called for the purpose of expressing such disapproval, the said debt shall not be incurred and the district school committee shall thereupon prepare an alternative proposal and a new or revised authorization to incur debt.

(e) To issue bonds and notes in the name and upon the full faith and credit of said district; said bonds or notes shall be signed by the chairman and the treasurer of the district committee and each issue of bonds or notes shall be a separate loan.

(f) To receive and disburse funds for any district purpose.

(g) To incur temporary debt in anticipation of revenue to be received from member municipalities.

(h) To assess member municipalities for any expenses of the district.

(i) To receive any grants or gifts for the purposes of the regional district school or schools.

(j) To engage legal counsel.

(k) To submit an annual report to each of the member municipalities, containing a detailed financial statement, and a statement showing the method by which the annual charges assessed against each municipality were computed, together with such additional information relating to the operation and maintenance of such school or schools as may be deemed necessary by the district school committee or by the city council of said city or by the selectmen of any member town.

(l) To employ a superintendent of schools who may also be a superintendent of one or more of the municipalities comprising said district, and said superintendent shall have all the powers and duties imposed upon school superintendents by law.

(m) To adopt an annual operating and maintenance budget, not later than December first.

SECTION 7. The powers, duties and liabilities of a regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer who may be the same person, but who need not be members of said committee. The treasurer shall receive and take charge of all money belonging to the district and shall pay any bill of the district which shall have been approved by the committee. The treasurer may, by vote of said committee, be compensated for his services. The treasurer of said district shall be subject to the provisions of sections thirty-five, fifty-two and one hundred and nine A of chapter forty-one of the General Laws to the extent applicable.

SECTION 8. The regional district school committee shall annually determine the amounts necessary to be raised to maintain and operate the district school or schools during the ensuing calendar year, and the amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several municipalities in accordance with the terms of the agreement. The amounts so apportioned for each municipality shall, prior to December thirty-first in each year, be certified by

the regional district treasurer to the treasurers of the several municipalities. Each municipality shall appropriate the amounts so certified, and in case any such municipality fails to pay over to the treasurer of said district the amount of its apportionment within the time specified in said agreement for such payment, the district school committee shall invoke the provisions of section thirty-four of chapter seventy-one of the General Laws. The city or town treasurer, as the case may be, shall pay the amount so appropriated or any amount ordered to be raised by court decree to said district at the time or times specified in the agreement.

SECTION 9. The regional school district shall be subject to all laws pertaining to school transportation; and when the agreement provides for the furnishing of transportation by the regional school district, the commonwealth shall reimburse such district to the full extent of the amounts expended for such transportation, except that no such reimbursement shall be made for transportation of any pupil who resides less than one and one half miles, measured by a commonly traveled route, from the district school which he attends. The state treasurer shall annually, on or before November twentieth, pay to the regional school district from the proceeds of the tax on incomes, which shall be available therefor, subject to appropriation, the sums required for such reimbursement and approved by the commissioner of education. There shall be allocated from the proceeds of the tax on incomes such sums as said commissioner shall certify as necessary for the payment of such reimbursement.

SECTION 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools. The state treasurer in making annual payments to the several municipalities of the amounts required under chapter seventy of the General Laws shall pay to each municipality comprising a regional school district an additional amount equal to fifteen per cent of the amount to which such municipality would be entitled if such regional school district had not been formed. No payment shall be made under section three B of chapter seventy of the General Laws to any such municipality prior to the date of award of a contract for the construction of a regional school by the regional district school committee.

SECTION 11. The director of accounts in the department of corporations and taxation shall annually cause an audit to be made of the accounts of the regional district school committee, and for this purpose he, and his duly accredited agents, shall have access to all necessary papers, books and records. Upon the completion of each audit, a report thereon shall be made to the chairman of the district committee, and a copy thereof shall be sent to the mayor of said city and to the chairman of the board of selectmen of each town and the chairman of the school committee of each municipality which is a member of the district. The director shall apportion the cost among the several municipalities which are members of the district on the basis provided by section three of this act, and submit the amounts of each apportionment to the state treasurer, who shall issue his warrant requiring the assessors of the municipalities which are members of the district to assess a tax to the amount

of the expense, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws.

SECTION 12. The regional school district shall maintain a contributory retirement system for non-teaching employees of the district, subject in all respects to the applicable provisions of chapter thirty-two of the General Laws.

SECTION 13. No municipality in the regional school district shall be liable for any obligation imposed on any other municipality in said district by authority of this act, or of any agreement thereunder, any other provision of law to the contrary notwithstanding.

SECTION 14. The members of the aforesaid emergency finance board when acting under this act shall receive from the commonwealth compensation to the same extent as provided under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended, including chapter seventy-four of the acts of nineteen hundred and forty-five.

SECTION 15. If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of said act and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 16. This act shall take effect upon its passage.

Approved August 11, 1958.

CHAP. 519. AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TO TRANSFER CERTAIN LAND IN THE CITY OF WESTFIELD TO THE DIVISION OF YOUTH SERVICE FOR THE PURPOSE OF CONSTRUCTING A PLACE OF CUSTODY THEREON.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of public health in the name and on behalf of the commonwealth is hereby authorized and directed to transfer and convey to the division of youth service, without consideration, a certain tract of land located in the city of Westfield and bounded and described as follows: — Beginning at the southern corner of the land belonging to the Westfield State Sanatorium; thence extending northwesterly by the southwestern boundary of said land 899 feet more or less; thence extending northeasterly 520 feet more or less to a road; thence southeasterly by said road in several courses 700 feet more or less to the southeastern boundary of said land; thence southwesterly by said boundary 288 feet more or less to the point of beginning.

SECTION 2. The director of the division of youth service is authorized and directed to construct upon the land transferred and conveyed to said division under section one the place of custody authorized by chapter five hundred and seventy-three of the acts of nineteen hundred and fifty-five, as amended by chapter five hundred and fifty-eight of the acts of nineteen hundred and fifty-six, and shall have control of such land and any buildings to be constructed thereon.

SECTION 3. This act shall take effect upon its passage.

Approved August 11, 1958.

CHAP. 520. AN ACT ENABLING WOLLASTON UNITARIAN SOCIETY AND FIRST PARISH CHURCH (UNITARIAN) IN QUINCY, MASSACHUSETTS TO COMPLETE THEIR CONSOLIDATION.

Be it enacted, etc., as follows:

SECTION 1. Wollaston Unitarian Society, organized January thirty-first, eighteen hundred and eighty-eight, and First Parish Church (Unitarian) in Quincy, Massachusetts, organized February twenty-sixth, sixteen hundred and thirty-nine, which are and are hereby declared to be religious corporations existing under the laws of the commonwealth, are hereby authorized to consolidate into one corporation, under the name United First Parish Church (Unitarian) in Quincy, with all the privileges, powers and immunities which said existing corporations have heretofore acquired or enjoyed by statute or otherwise, and with the powers, privileges and immunities set forth in all general laws pertaining to religious societies or churches and all acts in amendment thereof and in addition thereto, which consolidated corporation shall in all respects be a continuation of and the lawful successor to said existing corporations.

SECTION 2. Upon such consolidation all property of said existing corporations, including all bequests, devises, gifts and transfers of any kind heretofore made to them, shall vest in and may be received by said consolidated corporation, and all bequests, devises, gifts and transfers of any kind hereafter made to or for the benefit of said existing corporations shall vest in said consolidated corporation, and said consolidated corporation shall have with respect to such property and with respect to such bequests, devises, gifts and transfers, whether heretofore or hereafter made, the same powers, rights and privileges as would have been possessed by said existing corporations had such consolidation not been effected; provided, that no property now held by, or hereafter bequeathed, devised or given to either of said existing corporations upon specific and limited charitable uses and trusts, as distinguished from property held by, or hereafter bequeathed, devised or given to them for their general purposes, shall be so received unless authorized by decree of a court of competent jurisdiction.

SECTION 3. The officers, or any of them, of each of said existing corporations are hereby respectively authorized to execute and deliver all instruments and to perform all such other acts as may be necessary or proper to carry out and implement the consolidation authorized by this act.

SECTION 4. Said consolidated corporation shall assume and is hereby charged with the payment of all valid and existing obligations of said existing corporations.

SECTION 5. All members of the existing corporations shall become members of said consolidated corporation on the effective date of this act.

SECTION 6. The proceedings and votes of the said Wollaston Unitarian Society and the First Parish Church (Unitarian) relative to the merger of said churches and their change of names, taken prior to the acceptance of this act, and all acts in pursuance thereof, are hereby ratified, confirmed and validated, any informalities, errors or omissions to the contrary notwithstanding.

SECTION 7. Said consolidation shall be effective and complete when each of said existing corporations, at a meeting called for the purpose, shall have accepted this act, and certified copies of the acceptance votes shall have been filed with the state secretary and recorded in the registry of deeds for the county of Norfolk.

SECTION 8. For the purpose of its acceptance, this act shall take effect upon its passage.

Approved August 11, 1958.

CHAP. 521. AN ACT AUTHORIZING THE CITY OF BOSTON TO MAINTAIN ON MOON ISLAND IN BOSTON HARBOR A TARGET PRACTICE RANGE AND TO ESTABLISH THEREON A TRAINING SCHOOL FOR ITS POLICE OFFICERS.

Be it enacted, etc., as follows:

The city of Boston is hereby authorized to maintain on Moon island, in Boston harbor, a target practice range for its police officers, and, whenever land on said island shall be available, to establish, develop and maintain thereon a school for the training of such officers in the techniques of police work; and for such purposes said island shall be deemed to be within the limits of said city within the meaning of section fifteen A of chapter forty of the General Laws.

Approved August 11, 1958.

CHAP. 522. AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO ESTABLISH REGULATIONS REQUIRING OWNERS TO CONNECT WITH THE COMMON SEWER THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 224 of the acts of 1925 is hereby amended by striking out section 11 and inserting in place thereof the following section: — *Section 11.* The director of public works, successor to the board of sewerage survey under authority of section two of chapter four hundred and forty-three of the acts of nineteen hundred and fifty-five may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers and for the purpose of requiring all owners of buildings located on land abutting a public or private way in which there is a common sewer to connect therewith within a period not to exceed three years, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for every violation of any such rule or regulation, or not exceeding one dollar for each day during which such violation continues. Such rules or regulations shall be published at least once a week for three successive weeks in some newspaper published in the city of Gloucester, if there be any, and if not, then in some newspaper, published in the county of Essex, and shall not take effect until such publications have been made.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, subject to the provisions of its charter, provided that such acceptance occurs prior to December thirty-first, nineteen hundred and sixty.

Approved August 11, 1958.

CHAP. 523. AN ACT RELATIVE TO THE TIME FOR APPEALING TO THE APPELLATE TAX BOARD AND REVISING PROCEDURES FOR THE ABATEMENT OF TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 58A of the General Laws is hereby amended by striking out the last two sentences, as amended by section 24 of chapter 654 of the acts of 1953, and inserting in place thereof the following six sentences: — Whenever a board of assessors, before whom an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of three months from the date of filing of such application, it shall then be deemed to be denied and the taxpayer shall have the right, at any time within three months thereafter, to take any appeal from such denial to which he may be entitled by law, in the same manner as though the board of assessors had in fact refused to grant the abatement applied for. After the expiration of said first mentioned three months the board of assessors shall have no further authority to act upon said application; provided, that during the period allowed for the taking of an appeal the assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to them by section seven of this chapter to abate, in whole or in part, any tax as to which an appeal has been seasonably taken. Whenever the state tax commission, in this chapter called the commission, before whom an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application prior to the expiration of six months from the date of filing of the same, it shall then be deemed to be denied unless the applicant shall have filed with the commission, prior to such expiration, his written consent to the failure of the commission to act on said application within said six months' period. Said consent may be withdrawn by the applicant at any time, in which event said application, unless previously acted on by the commission, shall be deemed to be denied at the expiration of said six months' period or on the date of such withdrawal, whichever is later. The applicant, at any time within six months from the date on which any such application shall be deemed to be denied by the commission under the foregoing provisions of this section, shall have the right to take any appeal from such denial to which he may be entitled by law in the same manner as though the commission had in fact refused to grant the abatement applied for. The commission shall have no authority to act on any such application after the date of any such denial; provided, however, that during the period allowed for the taking of an appeal, the commission may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to it by section seven of this chapter to abate in whole or in part, any tax as to which an appeal has been seasonably taken.

SECTION 2. Chapter 62 of the General Laws is hereby amended by striking out section 45, as most recently amended by section 48 of said chapter 654 of the acts of 1953, and inserting in place thereof the following section: — *Section 45.* Any person aggrieved by the refusal of the commission to abate, in whole or in part, under section forty-three, a tax assessed under this chapter, may appeal therefrom, within thirty

days after the mailing of notice of the decision of the commission or within six months after the time when the application for abatement is deemed to be denied as provided by section six of chapter fifty-eight A, by filing a petition with the clerk of the appellate tax board. If, on hearing, said board finds that the person making the appeal was entitled to an abatement under section forty-three from the tax assessed on him, it shall make such abatement as it sees fit. The decision of the appellate tax board shall, except as otherwise provided herein, be final and conclusive, and shall be communicated in writing to the petitioner and the commission within five days thereafter.

SECTION 3. Section 71 of chapter 63 of the General Laws, as most recently amended by section 7 of chapter 515 of the acts of 1954, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Except as otherwise provided, any party aggrieved by any decision of the commission upon any matter arising under this chapter from which an appeal is given, may appeal to the appellate tax board within thirty days after the date of notice of the commission's decision or within six months after the time when the application for abatement is deemed to be denied as provided in section six of chapter fifty-eight A.

SECTION 4. This act with respect to the state tax commission shall apply to tax returns required to be filed on and after January first, nineteen hundred and fifty-eight, to the records and written statements required with respect to such returns, and to the determination, abatements, refunds and reimbursement of taxes attributable to such returns.

Approved August 11, 1958.

CHAP. 524. AN ACT AUTHORIZING THE GREYLOCK RESERVATION COMMISSION TO ACQUIRE CERTAIN LAND IN THE TOWN OF WILLIAMSTOWN.

Be it enacted, etc., as follows:

The Greylock Reservation Commission is hereby authorized and directed to acquire, on behalf of the commonwealth, by purchase or by eminent domain under chapter seventy-nine of the General Laws, a certain parcel of land, known as the West Mill lot in the Roaring Brook section of Mount Greylock, in the town of Williamstown, consisting of seventy-seven acres, more or less, and presently owned by one John J. Kelly. For the purposes of this act said commission may expend such sums as may be appropriated therefor. The attorney general shall approve as to form the deeds necessary to acquire the property authorized by this act.

Approved August 11, 1958.

CHAP. 525. AN ACT RELATIVE TO THE DUTIES OF THE BOARD OF BOILER RULES.

Be it enacted, etc., as follows:

Chapter 146 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 336 of the acts of 1946, and inserting in place thereof the following section: —
 Section 2. The board shall formulate rules or adopt rules formulated

by a recognized engineering organization, for the construction, installation and inspection of steam boilers and power reactor vessels and piping as used in atomic energy installations and for ascertaining the safe working pressure to be carried therein; prescribe tests, if it deems it necessary, to ascertain the qualities of materials used in the construction of boilers, power reactor vessels and piping; formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, appliances for indicating the pressure of steam and the level of water in the boiler or power reactor vessel, and such other appliances as the board may deem necessary to safety in operating steam boilers or power reactor vessels; and make a standard form of certificate of inspection. The attorney general shall assist the board in framing the rules. Such rules shall be transmitted to the commissioner and be by him filed in the office of the state secretary, and when so filed shall have the force of law.

Approved August 11, 1958.

CHAP. 526. AN ACT INCREASING THE PENALTIES FOR THE DESTRUCTION OF WOODS BY FIRE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 266 of the General Laws is hereby amended by striking out section 7, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 7.* Whoever by wantonly or recklessly setting fire to any material, or by increasing a fire already set, causes injury to, or the destruction of, any growing or standing wood of another shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

SECTION 2. Said chapter 266 is hereby further amended by striking out section 8, as most recently amended by section 1 of chapter 370 of the acts of 1948, and inserting in place thereof the following section: — *Section 8.* Whoever, not being a tenant thereof, sets or increases a fire upon land of another whereby the property of another is injured, or whoever negligently or wilfully suffers any fire upon his own land to extend beyond the limits thereof whereby the woods or property of another are injured, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years, and the town where such fire occurred may recover in an action of tort, brought within two years after the cause of action accrues, against any such person the expense of extinguishing such fire.

Approved August 11, 1958.

CHAP. 527. AN ACT FURTHER REGULATING THE TESTING OF WATER METERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by inserting after section 39H the following section: — *Section 39I.* Any person using water supplied by a city, town or district, measured by a meter, shall be entitled to an examination and test of such meter to determine the accuracy of the same in any quarter or period, upon

written application therefor, which shall be made before the expiration of the time when the rate for such quarter or period is required to be paid, to the board, commissioner or officer in charge of the water works of the city, town or district. Such examination and test shall be made by a competent person employed by the city, town or district. A written report of the result of the examination and test shall be furnished to the person making the application, and if it appears that the meter has registered with substantial accuracy, the expense of the examination and test shall be paid by the person applying therefor, and in no case shall the expense so required to be paid exceed three dollars for each examination and test, but if it appears that the meter has not registered within two per cent of accuracy and that the person has been charged with, or has paid for, more water than he should have been charged with or should have paid for, the amount of such excess shall forthwith be credited to such person or remitted to him if he has paid the same, and the expense of the examination and test shall be borne by the city, town or district supplying the water; if, however, it appears that the person has been charged with, or has paid for, less water than he should have been charged with or should have paid for, he shall forthwith be charged with the proper additional amount and shall pay the same, together with the expense of the examination and test, to the city, town or district supplying the water.

SECTION 2. Section 2 of chapter 165 of the General Laws, as amended by chapter 187 of the acts of 1955, is hereby further amended by striking out, in lines 7 and 8, the words “, one hundred and one, one hundred and twenty and one hundred and twenty-one”, and inserting in place thereof the words: — and one hundred and one.

SECTION 3. Said chapter 165 is hereby further amended by striking out section 10, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 10.* A customer of a company or corporation subject to this chapter, or such company or corporation, may apply to the department for an examination and test of any water meter to determine the accuracy of the same. The department shall forthwith cause such examination and test as in its judgment is practicable and reasonable to be made by a competent and disinterested person, and shall furnish to the company or corporation and to the customer a certificate of the result and expense thereof. The person designated to make such examination and test may at any reasonable time enter upon the premises where the meter to be inspected is placed for the purpose of making the inspection. If upon examination and test, it appears the appliance does not register correctly, the department may order the company or corporation to correct or remove such meter and substitute a correct meter. The department may establish such rules and regulations, fix such standards, prescribe such fees, and employ such means and methods in, and in connection with, such examinations and tests of water meters as it deems most practicable, expedient and economical, and may purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it deems necessary. All fees for examination and tests shall be in the first instance paid by the person, company or corporation making the application therefor; but if the examination or test is made at the request of the customer, and the meter is found to be incorrect because too fast, the company or corporation shall pay such fees to the department,

Approved August 11, 1958.

Be it enacted, etc., as follows:

We the undersigned representatives of (),

It is further agreed that the licensing authority of the state in which the funeral director or embalmer is licensed will assume the responsibility for instituting disciplinary action against any licensed funeral director or embalmer who may be guilty of unprofessional conduct in the practice of his business in the other state, when such is called to its attention by the licensing authority of that state.

Approved August 11, 1958.

Be it enacted, etc., as follows:

Chapter 31 of the General Laws is hereby amended by striking out section 15F, inserted by chapter 157 of the acts of 1951, and inserting

in place thereof the following section: — *Section 15F.* Any person who is appointed to a permanent position after certification may, upon request of the appointing authority and the approval of the director, be provisionally promoted to a position in the next higher grade in the same department or division of a department, if there is no suitable eligible list from which to certify; or be appointed after certification in accordance with the civil service laws and rules to a temporary position in a higher grade. Such provisional promotion or such temporary appointment shall not be deemed to interrupt the serving of the probationary period or the period of eligibility for promotion required by this chapter in the office or position of the lower grade.

Approved August 15, 1958.

CHAP. 530. AN ACT TO INDEMNIFY THE FORMER DIRECTOR OF THE INHERITANCE TAX DIVISION FOR LOSS OF COMPENSATION.

Be it enacted, etc., as follows:

SECTION 1. In order to promote the public good, there shall be paid to Daniel J. O'Connor from the treasury of the commonwealth, from any appropriation available for the purpose, the sum of four thousand five hundred dollars, representing loss of compensation to him as the former director of the inheritance tax division on account of a reduction in his compensation in the year nineteen hundred and fifty-three and ensuing years in violation of section four of chapter fourteen of the General Laws.

SECTION 2. This act shall take effect upon its passage,

Approved August 15, 1958.

CHAP. 531. AN ACT AUTHORIZING THE TOWN OF DANVERS TO TAKE ADDITIONAL SOURCES OF WATER SUPPLY IN THE TOWN OF MIDDLETON AND TO IMPROVE ITS WATER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making additional provision for supplying its inhabitants, the Danvers State Hospital and the inhabitants of the town of Middleton with water, the town of Danvers may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase, gift, devise or otherwise, land and waters of any ground water sources by means of driven, artesian or other wells within the boundaries of the town of Middleton not already appropriated for the purposes of a public water supply, and the water rights connected therewith, and also for said purposes the town of Danvers may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase, gift, devise or otherwise, and hold all lands, rights of way and other easements within the town of Middleton necessary for collecting, storing, holding, using, purifying and treating such water, and protecting and preserving the purity thereof, and for conveying the same to a connection with its mains in the town of Danvers, and doing all things necessary and incidental thereto and therewith; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used under the authority of this act without first obtaining the advice and approval of the state department of public health, and

that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants, or other works, necessary to carry out the provisions of this act shall be subject to the approval of said department. The town of Danvers may construct and maintain on the lands acquired and maintained under this act proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of said department of public health. The town of Danvers may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or acquire the right to occupy temporarily any lands necessary for the construction of any work or for any purpose authorized by this act.

The town of Danvers may construct, lay, repair and maintain conduits, pipes and other works on and over any lands, water courses, public or other ways, and along any such way in the town of Middleton, in such a manner as to carry out the purposes of this act; and for the purpose of constructing, laying, repairing and maintaining apparatus and laying and repairing conduits, pipes and other works, and for all other purposes of this act necessary and incidental thereto and therewith, the town of Danvers may enter upon and dig up or raise and embank any such lands, highways or other ways in such manner as to permit public travel thereon; provided, that the town of Danvers shall restore, to as good condition as they formerly were in, any ways so dug up. The town of Danvers shall pay all damages sustained by any person in consequence of any negligent act upon the part of the town of Danvers, its agents or employees under this act.

SECTION 2. Authority is hereby granted to the town of Danvers and to the town of Middleton to enter into a contract with each other, through the boards of water commissioners of said towns, for a supply of water and to furnish such supply.

SECTION 3. Nothing in this act shall limit any right of the town of Middleton heretofore granted or which may hereafter be granted, to supply itself and its inhabitants with water from any source within the limits of the town of Middleton; provided, that such acts by the town of Middleton shall not interfere with such water supply as may be established and required by the town of Danvers.

SECTION 4. Property acquired or held by the town of Danvers within the town of Middleton under section one of this act shall be exempt from taxation by the town of Middleton so long as said property is used for the purpose of a public water supply as herein provided.

SECTION 5. The town of Danvers shall continue to supply water to the town of Middleton from sources of supply of the town of Danvers existing at the time of the passage of this act, and from such sources of ground water supply as may be developed by the town of Danvers in the town of Middleton under authority of this act. In case of failure to agree as to the price of water furnished or the manner and location of construction of hydrants, the department of public utilities, upon petition of either board of water commissioners, shall determine the price of the water furnished and the manner and location of hydrants, and such determination shall be final.

SECTION 6. This act shall take effect upon its passage.

Approved August 15, 1958.

CHAP. 532. AN ACT PROVIDING FOR THE ACQUISITION OF LAND AND FOR THE ACQUISITION OR CONSTRUCTION OF BUILDINGS TO BE USED EXCLUSIVELY BY THE MASSACHUSETTS DIVISION OF EMPLOYMENT SECURITY.

Whereas, The deferred operation of this act would unnecessarily delay the construction or acquisition of the much needed buildings provided for herein and thereby delay the removal of the present handicaps and hardships encountered in the existing buildings of the division of employment security, therefore, this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the acquisition of land and for the acquisition or construction of buildings to be used exclusively by the division of employment security and for the expenses of the director of the division of employment security in carrying out the provisions of this act there is hereby appropriated from the account of the commonwealth in the unemployment trust fund that is held pursuant to section nine hundred and three of the Social Security Act, as amended, the sum of four million six hundred and thirty-three thousand dollars.

SECTION 2. The money expended in compliance with this act shall be subject to the limitations set forth in section fifty-three A of chapter one hundred and fifty-one A of the General Laws but in no event shall said division of employment security obligate funds provided under this act in a total amount during any fiscal year which shall exceed the aggregate of the amounts credited to the account of the commonwealth by the federal government pursuant to Title IX of the Social Security Act during such fiscal year and the four preceding fiscal years, less the aggregate of the amounts of such funds used by the commonwealth and charged against the amounts credited to the account of the commonwealth during any of such five fiscal years.

SECTION 3. All expenditures of funds hereby appropriated shall be for expenses incurred after the effective date of this act.

SECTION 4. No part of the moneys appropriated by section one of this act shall be encumbered nor shall any contractual obligation be incurred hereunder after the close of the two-year period which begins on the effective date of this act. Any unencumbered moneys appropriated by section one shall revert to the account of the commonwealth in the unemployment trust fund at the earliest practical date but in no event later than at the close of such two-year period. Any unexpended funds appropriated by section one shall revert to the account of the commonwealth in the unemployment trust fund at the earliest practical date but in no event later than the time of the payment of all expenditures for the acquisition of land and for the acquisition or construction of buildings in each city or town.

SECTION 5. The director may, on behalf of and in the name of the commonwealth, acquire by purchase or otherwise, on such terms and conditions and in such manner as he may deem proper, or may take by eminent domain, under chapter seventy-nine of the General Laws, such lands, including buildings thereon as may be necessary for the purposes of this act; provided, however, that before a taking is made, the director

shall give security to the state treasurer, in such amount and in such form as may be determined by the attorney general, for the payment of such damages and costs as may be awarded for the land or other property so taken or injured; and provided, further, that if, upon petition of the owner and notice to the director, any security taken appears to the attorney general to have become insufficient, he shall require the director to give further security, to his satisfaction, to the state treasurer. If the director fails to so comply, any person entitled to such damages may treat the taking of his property or the proceedings by which the right to inflict injury thereon was acquired as void and any interference by said director with the use and enjoyment of his property as unlawful.

SECTION 6. The construction, razing, demolishing or remodeling of any buildings under this act shall be under the control and direction of the division of building construction in accordance with the provisions of chapter seven of the General Laws. *Approved August 15, 1958.*

CHAP. 533. AN ACT RELATIVE TO THE QUALIFICATIONS OF THE MEMBERS OF THE BOARD OF REGISTRATION IN VETERINARY MEDICINE, INCREASING THE POWERS OF SAID BOARD, AND FURTHER REGULATING THE LICENSING OF VETERINARIANS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by striking out section 26, as amended by chapter 192 of the acts of 1950, and inserting in place thereof the following section:— *Section 26.* There shall be a board of registration in veterinary medicine, in sections twenty-seven and twenty-eight called the board, consisting of five veterinarians. Each member of said board shall be a legal resident of and licensed to practice veterinary medicine in the commonwealth, a graduate of a school or college teaching veterinary medicine and approved by the approving authority, and shall have had at least five years' experience in the active practice of veterinary medicine, surgery and dentistry prior to his appointment. No member shall be a member of any faculty in any institution having the power to confer degrees in veterinary medicine. One member thereof shall annually before December first be appointed by the governor, with the advice and consent of the council, for five years from January first following.

SECTION 2. Said chapter 13 is hereby further amended by striking out section 27, as appearing in the Tercenary Edition, and inserting in place thereof the following section:— *Section 27.* The members of the board shall meet in January of each year, at such time and place as they shall determine, and shall immediately organize by electing a chairman and a secretary, who shall hold their respective offices for one year. The board shall hold regular meetings at such times and places as it may determine. The secretary shall keep suitable books in which shall be an accurate record of all the proceedings of the board, and shall perform such duties as the rules and regulations of said board shall direct.

SECTION 3. Chapter 112 of the General Laws is hereby amended by striking out section 54, as so appearing, and inserting in place thereof the following section:— *Section 54.* The board of registration in

veterinary medicine, in sections fifty-five to sixty, inclusive, called the board, may make by-laws and rules consistent with law necessary to carry out the provisions of said sections. Four members of the board shall constitute a quorum for the transaction of business.

SECTION 4. Section 55 of said chapter 112 is hereby amended by striking out the first two paragraphs, as appearing in chapter 492 of the acts of 1957, and inserting in place thereof the following paragraph:—

Applications for registration as veterinarians, signed and sworn to by the applicant, shall be made upon blanks furnished by the board. Each applicant who shall furnish the board with satisfactory proof that he is twenty-one years of age or over, of good moral character, and a citizen of the United States; that he possesses the educational qualifications required for graduation from a public high school; that he has completed one year of collegiate work, including chemistry and biology, in a college or university approved by a body consisting of the secretary of the board and the director of the division of livestock disease control of the department of agriculture, in this section referred to as the approving authority; that he has attended courses of instruction for four years of not less than thirty-two school weeks in each year, or courses which in the opinion of the board are equivalent thereto, in one or more legally chartered schools of veterinary medicine; and that he has received the degree of doctor of veterinary medicine or its equivalent from a legally chartered school of veterinary medicine having the power to confer degrees in veterinary medicine and approved by the approving authority, shall, upon payment of twenty-five dollars, be examined, and, if found qualified by the board, shall be registered as a veterinarian and shall receive a certificate thereof, signed by the chairman and secretary. An applicant aggrieved by the refusal of the approving authority to approve a school of veterinary medicine under this section shall be entitled to have the reasonableness of such refusal reviewed by a justice of the superior court, whose decision shall be final. An applicant failing to pass an examination satisfactory to the board, may be re-examined upon payment of twenty-five dollars for each appearance, at such time and place as the board shall determine. The board shall refuse to grant a license to any person who shall have been convicted of a felony, or who shall be addicted to any vice to such a degree as to render him unfit to practice veterinary medicine, surgery or dentistry, and after due notice and hearing, may revoke any certificate issued by it and cancel the registration of any veterinarian convicted of a crime in the practice of his profession, and may, at any time after the expiration of one year thereafter, reissue any certificate so revoked, and register anew any veterinarian whose registration was so cancelled.

SECTION 5. Said chapter 112 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 56.* Examinations shall be in part in writing, shall be in English, and of a scientific and practical character. They shall include the subjects of anatomy, surgery, physiology, animal parasites, obstetrics, pathology, bacteriology, diagnosis and practice, therapeutics, pharmacology, veterinary dentistry and other subjects thought proper by the board to test the applicants' fitness to practice veterinary medicine.

SECTION 6. Said chapter 112 is hereby further amended by striking out section 59, as amended by chapter 224 of the acts of 1948, and in-

serting in place thereof the following section: — *Section 59.* Any person who falsely asserts that he has a certificate granted by the board, or who falsely and with intent to deceive claims to be a graduate of any college granting degrees in veterinary medicine, or who, except as permitted by section sixty, directly or indirectly practices or attempts to practice veterinary medicine, or holds himself out as a practitioner thereof, without being registered under sections fifty-five to fifty-eight, inclusive, or corresponding provisions of earlier laws, or any registered veterinarian or incorporated veterinary hospital or company who or which employs or permits a person to practice veterinary medicine unless such person is registered, or any person who violates any provision of sections fifty-five to sixty, inclusive, shall be punished by having his license to practice veterinary medicine revoked, or its license to operate a veterinary hospital suspended, as the case may be, and by a fine of not more than two hundred dollars or by imprisonment for not more than three months, or both; provided, that any corporation violating any provision of sections fifty-five to sixty, inclusive, in addition to having its license suspended as aforesaid, shall be punished by the fine herein provided for such violation, and its officers, owners or managers concerned in the violation shall be punished by the fine or imprisonment herein provided for such violation, or both.

By vote of four members the board may, for any cause set forth in this section, revoke or suspend for a certain time the license of any person to practice veterinary medicine in this commonwealth after notice and hearings.

Causes for which the board may revoke or suspend a license are as follows: —

(a) The employment of fraud, misrepresentation or deception in obtaining such license.

(b) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record of such conviction shall be conclusive evidence.

(c) Chronic inebriety or habitual use of drugs.

(d) For having professional connection with or lending the use of his name to any illegal practitioner of veterinary medicine and the various branches thereof.

(e) Conviction of a violation of the Harrison Act, regulating narcotics, or a settlement of a tax liability in connection with such violation, in which case the record of such conviction or settlement, as the case may be, shall be conclusive evidence.

(f) Fraud or dishonesty in applying or reporting tuberculin or other biological tests.

(g) False or misleading advertising having for its purpose or intent deception or fraud.

(h) Conduct reflecting unfavorably on the profession of veterinary medicine.

(i) Court conviction on a charge of cruelty to animals.

(j) Failure of a registered veterinarian to keep his office or hospital and equipment therein in a clean and sanitary condition.

SECTION 7. Nothing in this act shall be construed to prevent the members of the board of registration in veterinary medicine on the effective date of this act from completing their respective terms of office then unexpired.

Approved August 15, 1958.

CHAP. 534. AN ACT DESIGNATING A CERTAIN PORTION OF THE STATE HIGHWAY KNOWN AS THE SOUTHEAST EXPRESSWAY AS THE SERGEANT WILLIAM G. WALSH MEMORIAL EXPRESSWAY.

Be it enacted, etc., as follows:

That portion of the state highway known as the Southeast Expressway between Neponset Circle, Dorchester, and the Quincy-Milton line, except for the bridge over the Neponset River known and designated as the Roy C. Smith Bridge, shall, upon its completion, be designated and known as the Sergeant William G. Walsh Memorial Expressway, in honor of Sergeant William G. Walsh, who gave his life in defense of his country and was awarded the Congressional Medal of Honor, posthumously. Suitable markers bearing said designation shall be erected at appropriate places thereon by the department of public works. Said department may expend for the purposes of this act such sums as may be appropriated.

Approved August 15, 1958.

CHAP. 535. AN ACT DESIGNATING THE NEW BRIDGE OVER THE TAUNTON RIVER BETWEEN THE TOWN OF SOMERSET AND THE CITY OF FALL RIVER AS THE CHARLES BRAGA, JR. MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The new bridge over the Taunton river between the town of Somerset and the city of Fall River shall, upon its completion, be designated and known as the Charles Braga, Jr. Memorial Bridge, and suitable markers bearing said designation shall be erected at appropriate places thereon by the department of public works.

Approved August 15, 1958.

CHAP. 536. AN ACT FURTHER DEFINING THE WORD "EMPLOYEE" AS USED IN THE GENERAL OR BLANKET CONTRIBUTORY GROUP INSURANCE LAW FOR PERSONS IN THE SERVICE OF A COUNTY, CITY, TOWN OR DISTRICT AND THEIR DEPENDENTS.

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by striking out section 2, as amended by section 2 of chapter 136 of the acts of the current year, and inserting in place thereof the following section: — *Section 2.* The following words and phrases as used in this chapter shall have the meanings as defined herein:

(a) "Appropriate public authority", as to a county, the county commissioners; as to a city, the mayor; as to a town, the selectmen; and as to a district, the governing board thereof.

(b) "Dependents", an employee's spouse and an employee's unmarried children under nineteen years of age.

(c) "District", any water, sewer, light, fire, veterans' services or other improvement district or public unit created within one or more political subdivisions of the commonwealth for the purpose of providing public services or conveniences.

(d) "Employee", any person in the service of a governmental unit or whose services are divided between two or more governmental units or between a governmental unit and the commonwealth, and who

receives compensation for such service or services, whether such person be employed, appointed or elected by popular vote; provided, the duties of such person require no less than twenty hours, regularly, in the service of the governmental unit during the regular work week of permanent or temporary employment, and provided, further that no seasonal employee or emergency employees shall be included; except that persons elected by popular vote may be considered eligible employees during the entire term for which they are elected regardless of the number of hours devoted to the service of the governmental unit. If an employee's services are divided between governmental units, the employee shall, for purposes of this chapter, be considered an employee of the governmental unit which pays more than fifty per cent of his salary. But, if no one of said governmental unit pays more than fifty per cent of said employee's salary, the governmental unit paying the largest share of the salary shall consider the employee as its own for membership purposes, and said governmental unit shall contribute fifty per cent of the cost of the premium. If the payment of an employee's salary is equally divided between governmental units, the governmental unit having the larger or largest population shall contribute fifty per cent of the cost of the premium. If an employee's salary is divided in any manner between a governmental unit and the commonwealth, the governmental unit shall contribute fifty per cent of the cost of the premium. An employee eligible for coverage under the provisions of this chapter shall not be eligible for coverage as an employee under the provisions of chapter thirty-two A. A determination by the appropriate public authority that a person is eligible for participation in the plan of insurance shall be final.

(e) "Employer", the governmental unit.

(f) "Governmental unit", any political subdivision of the commonwealth.

(g) "Political subdivision", any county, city, town, district, local housing authority or local redevelopment authority.

Approved August 15, 1958.

CHAP. 537. AN ACT INCREASING THE CHARGE FOR CERTIFICATES OF LIENS ISSUED BY TAX COLLECTORS AND INCREASING THE TIME WITHIN WHICH THE SAME SHALL BE ISSUED AFTER APPLICATION THEREFOR.

Be it enacted, etc., as follows:

Chapter 60 of the General Laws is hereby amended by striking out section 23, as most recently amended by section 2A of chapter 487 of the acts of 1954, and inserting in place thereof the following section: —

Section 23. The collector of taxes for any city, or for any town having more than five thousand inhabitants as determined by the last preceding national or state census, shall, on written application by any person, and within five days thereafter, excluding Saturdays, Sundays and holidays, furnish to such applicant a certificate of all taxes and other assessments, including water rates and charges, which at the time constitute liens on the parcel of real estate specified in such application and are payable on account of such real estate. Such certificate shall be itemized and shall show the amounts then payable on account of all such

taxes and assessments, rates and charges, so far as such amounts are fixed and ascertained, and if the same are not then ascertainable, it shall so be expressed in the certificate. Any town officer or board doing any act toward establishing any such tax, assessment, lien or charge upon any real estate in the town shall transmit a notice of such act to the collector of taxes. Such collector of taxes shall charge three dollars for each certificate so issued, and the money so received shall be paid into the town treasury. A certificate issued on or after October first, nineteen hundred and forty-three, under this section may be filed for record or registration, as the case may be, within thirty days after its date, and if so filed shall operate to discharge the parcel of real estate specified from the liens for all taxes, assessments or portions thereof, rates and charges which do not appear by said certificate to constitute liens thereon, except the taxes, assessments or portions thereof, rates and charges which have accrued within the three years immediately preceding the date of the certificate, the taxes, assessments or portions thereof, rates and charges which are included in a tax title account, and the taxes, assessments or portions thereof, rates and charges concerning which a statement has been filed for record or registration under section thirty-seven A or any other provision of law; but a certificate issued under this section shall not affect the obligation of any person liable for the payment of any tax, assessment, rate or charge. The register of deeds as such or as assistant recorder of the land court shall receive and record or register such certificate upon the payment of a fee of one dollar.

Approved August 15, 1958.

CHAP. 538. AN ACT TO PROVIDE TENURE FOR CERTAIN TEACHERS IN THE EMPLOY OF THE COMMONWEALTH AFTER THREE YEARS' SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30 of the General Laws is hereby amended by inserting after section 9C, inserted by section 1 of chapter 537 of the acts of 1956, the following section: — *Section 9D.* No person permanently employed as a teacher in any institution under the department of mental health, public health, public welfare, or correction, or in any institution under the jurisdiction of the division of youth service, who is not classified under chapter thirty-one, shall, after having served as such teacher for a period of three years in such institution, be discharged, removed, suspended, laid off, transferred without his consent, lowered in rank or compensation, nor shall his office or position be abolished, except for just cause and in the manner provided by sections forty-three and forty-five of said chapter thirty-one.

SECTION 2. Chapter 74 of the General Laws is hereby amended by inserting after section 42B the following section: — *Section 42C.* A professor or teacher in the Bradford Durfee College of Technology or the New Bedford Institute of Technology, who is not employed in a position classified under chapter thirty-one, and who has served as such for three consecutive years, shall not be dismissed from such employment except for just cause, and for reasons specifically given him in writing by the trustees of the college or institute in which he is employed. Before any such removal is effected, the professor or teacher, upon his

written request made within ten days of receipt by him of the required written notice, shall be given a full hearing before the trustees of the college or institute in which he is employed, of which hearing he shall have at least thirty days' written notice from the trustees, and he shall be allowed to answer the charges preferred against him either personally or by counsel.

SECTION 3. Section 12 of chapter 75A of the General Laws is hereby amended by inserting after the word "commonwealth" in line 5, as appearing in section 3 of chapter 407 of the acts of 1953, the words: —; provided, that a professor, tutor, instructor or teacher, who is not employed in a position classified under chapter thirty-one, and who has served as such for three consecutive school years, shall not be dismissed from such employment except for just cause, and for reasons specifically given him in writing by the trustees. Before any such removal is effected, the professor, tutor, instructor or teacher, upon his written request made within ten days of the receipt by him of the required written notice, shall be given a full hearing before the trustees, of which hearing he shall have at least thirty days' written notice from the trustees, and he shall be allowed to answer charges preferred against him either personally or by counsel.

Approved August 15, 1958.

CHAP. 539. AN ACT AUTHORIZING THE REGISTER OF PROBATE OF MIDDLESEX COUNTY TO DESIGNATE TWO EMPLOYEES AS DEPUTY ASSISTANT REGISTERS.

Be it enacted, etc., as follows:

Section 29 of chapter 217 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence: — Said register may, with the approval of the judges, designate two employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at pleasure.

Approved August 15, 1958.

CHAP. 540. AN ACT REVISING THE LAWS RELATIVE TO FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 176 and inserting in place thereof the following chapter: —

CHAPTER 176.

FRATERNAL BENEFIT SOCIETIES.

Section 1. Any incorporated society, order or supreme lodge, without capital stock, conducted solely for the benefit of its members and their beneficiaries, and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which makes provision for the payment of benefits in accordance with this chapter, is hereby declared to be a fraternal benefit society.

When used in this chapter the following words shall have the following meanings, unless otherwise indicated: —

“Society”, fraternal benefit society.

“Commissioner”, commissioner of insurance.

“Premiums”, premiums, rates or other required contributions by whatever name known.

Section 2. A society having a supreme legislative or governing body and subordinate lodges or branches by whatever name known, into which members are elected, initiated or admitted in accordance with its constitution, by-laws, ritual and rules, which subordinate lodges or branches are required by the by-laws of the society to hold regular meetings at least once in each month, shall be deemed to be operating on the lodge system.

Section 3. A society shall be deemed to have a representative form of government when —

(a) It provides in its constitution or laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members of such body as may be prescribed by the society's constitution and laws;

(b) The representatives elected constitute a majority in number and have not less than two thirds of the votes nor less than the votes required to amend its constitution and laws;

(c) The meetings of the supreme legislative or governing body and the election of officers, representatives or delegates are held as often as once in four calendar years;

(d) Each insured member is eligible for election to act or serve as a delegate to such meeting;

(e) The society has a board of directors charged with the responsibility for managing its affairs in the interim between meetings of its supreme legislative or governing body, subject to control by such body and having powers and duties delegated to it in the constitution or laws of the society;

(f) Such board of directors is elected by the supreme legislative or governing body, except in case of filling a vacancy in the interim between meetings of such body;

(g) The officers are elected either by the supreme legislative or governing body or by the board of directors; and

(h) The members, officers, representatives or delegates cannot vote by proxy.

Section 4. (1) Seven or more citizens of the United States, a majority of whom are citizens of the commonwealth who desire to form a fraternal benefit society, may make, sign and acknowledge before some officer, competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated: —

(a) The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company as to be misleading or confusing;

(b) The purposes for which it is being formed and the mode in which its corporate powers are to be exercised. Such purposes shall not include more liberal powers than are granted by this chapter, provided that any lawful, social, intellectual, educational, charitable, benevolent, moral, fraternal or religious advantages may be set forth among the purposes of the society; and

(c) The names and residences of the incorporators and the names,

residences and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control of the management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

(2) Such articles of incorporation, duly certified copies of the constitution, by-laws and rules, copies of all proposed forms of certificates, applications therefor, and circulars to be issued by the society and a bond conditioned upon the return to applicants of the advance payments if the organization is not completed within one year, such bond to be in an amount to be determined by the commissioner not to exceed the sum of twenty-five thousand dollars with sureties approved by the commissioner, shall be filed with the commissioner, who may require such further information as he deems necessary. All documents filed are to be in the English language. If the purposes of the society conform to the requirements of this chapter, and all provisions of the law have been complied with, the commissioner shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate authorizing the society to solicit members as hereinafter provided.

(3) No preliminary certificate granted under the provisions of this section shall be valid after one year from its date or after such further period, not exceeding one year, as may be authorized by the commissioner upon cause shown, unless the five hundred applicants hereinafter required have been secured and the organization has been completed as herein provided. The articles of incorporation and all other proceedings thereunder shall become null and void in one year from the date of the preliminary certificate, or at the expiration of the extended period, unless the society shall have completed its organization and received a certificate of authority to do business as hereinafter provided.

(4) Upon receipt of a preliminary certificate from the commissioner, the society may solicit members for the purpose of completing its organization, shall collect from each applicant the amount of not less than one regular monthly premium in accordance with its table of rates as provided by its constitution and by-laws, and shall issue to each such applicant a receipt for the amount so collected. No society shall incur any liability other than for the return of such advance premium, nor issue any certificate, nor pay, allow or offer or promise to pay or allow, any death or disability benefit to any person until —

(a) Actual bona fide applications for death benefits have been secured aggregating at least five hundred thousand dollars on not less than five hundred lives;

(b) All such applicants for death benefits shall have furnished evidence of insurability satisfactory to the society;

(c) Certificates of examinations or acceptable declarations of insurability have been duly filed and approved by the chief medical examiner of the society;

(d) Ten subordinate lodges or branches have been established into which the five hundred applicants have been admitted;

(e) There has been submitted to the commissioner, under oath of the president or secretary, or corresponding officer of the society, a list of such applicants, giving their names, addresses, date each was admitted,

name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted and premiums therefor; and

(f) It shall have been shown to the commissioner, by sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly premium as herein provided, which premiums in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the fund or funds from which benefits are to be paid, and no part of which may be used for expenses. Said advance premiums shall be held in trust during the period of organization, and if the society has not qualified for a certificate of authority within one year, as herein provided, such premiums shall be returned to said applicants.

(5) The commissioner may make such examination and require such further information as he deems advisable. Upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to the society a certificate to that effect, and that the society is authorized to transact business pursuant to the provisions of this chapter. The certificate shall be prima facie evidence of the existence of the society at the date of such certificate. The commissioner shall cause a record of such certificate to be made. A certified copy of such record may be given in evidence with like effect as the original certificate.

(6) Every society shall have the power to adopt a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of its members from time to time. It shall have the power to change, alter, add to or amend such constitution and by-laws, and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Section 5. The principal office of any domestic society shall be located in the commonwealth. The meetings of its supreme legislative or governing body may be held in any state, district, province or territory wherein such society has at least five subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in the commonwealth.

Section 6. A domestic fraternal benefit corporation may, with the approval of the commissioner, change the location of its place of business to another location in the commonwealth, or change the purposes for which it was incorporated so as to permit it to transact any business authorized by this chapter. Upon such approval the presiding, financial and recording officers, and a majority of its other officers having the powers of directors, shall file in the office of the state secretary a certificate, with the approval of the commissioner endorsed thereon, setting forth the change in the location of its place of business or in the purposes of the corporation. The state secretary shall, upon receipt of five dollars, cause such certificate to be filed in his office. Every domestic fraternal beneficiary corporation may exercise all the rights, powers and privileges conferred by this chapter, including the powers specified in section forty, or its certificate of incorporation or charter, not inconsistent herewith, and shall be subject to this chapter, as if reincorporated hereunder.

Section 7. A domestic society may consolidate or merge with any other society by complying with the provisions of this section.

It shall file with the commissioner —

(a) A certified copy of the written contract containing in full the terms and conditions of the consolidation or merger;

(b) A sworn statement by the president and secretary or corresponding officers of each society showing the financial condition thereof on a date fixed by the commissioner, but not earlier than December thirty-first, next preceding the date of the contract;

(c) A certificate of such officers, duly verified by their respective oaths, that the consolidation or merger has been approved by a two-thirds vote of the supreme legislative or governing body of each society; and

(d) Evidence that at least sixty days prior to the action of the supreme legislative or governing body of each society the text of the contract has been furnished to all members of each society either by mail or by publication in full in the official organ of each society.

If the commissioner finds that the contract is in conformity with the provisions of this section, that the financial statements are correct and that the consolidation or merger is just and equitable to the members of each society, he shall approve the contract and issue his certificate to such effect. Upon such approval, the contract shall be in full force and effect unless any society which is a party to the contract is incorporated under the laws of any other state or territory. In such event the consolidation or merger shall not become effective unless and until it has been approved as provided by the laws of such state or territory, and a certificate of such approval filed with the commissioner, or, if the laws of such state or territory contain no such provision, then the consolidation or merger shall not become effective unless and until it has been approved by the commissioner of insurance, or other officer or officers, exercising like powers, of such state or territory, and a certificate of such approval filed with the commissioner.

Upon the consolidation or merger becoming effective as herein provided, all the rights, franchises and interests of the consolidated or merged societies in and to every species of property, real, personal or mixed, and things in action thereunto belonging shall be vested in the society resulting from or remaining after the consolidation or merger without any other instrument, except that conveyances of real property may be evidenced by proper deeds, and the title to any real estate or interest therein, vested under the laws of the commonwealth in any of the societies consolidated or merged, shall not revert or be in any way impaired by reason of the consolidation or merger, but shall vest absolutely in the society resulting from or remaining after such consolidation or merger.

The affidavit of any officer of the society or of any one authorized by it to mail any notice or document, stating that such notice or document has been duly addressed and mailed, shall be prima facie evidence that such notice or document has been furnished the addressees.

Section 8. Any domestic society may be converted and licensed as a mutual life insurance company by compliance with all the requirements of chapter one hundred and seventy-five relating to the financial requirements of mutual life insurance companies if such plan of conversion has been approved by the commissioner. Such plan shall be prepared in writing setting forth in full the terms and conditions thereof. The board of directors shall submit such plan to the supreme legislative or governing body of such society at any regular or special meeting thereof,

by giving a full, true and complete copy of such plan, with the notice of such meeting. Such notice shall be given as provided in the laws of the society for the convocation of a regular or special meeting of such body, as the case may be. The affirmative vote of two thirds of all members of such body shall be necessary for the approval of such agreement. No such conversion shall take effect unless and until approved by the commissioner who may give such approval if he finds that the proposed change is in conformity with the requirements of law and not prejudicial to the certificate holders of the society.

Section 9. A society may admit to benefit membership any person not less than fifteen years of age, nearest birthday, who has furnished evidence of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six months after becoming a benefit member shall pass an additional medical examination, or make an additional declaration of insurability, as required by the society.

Any person admitted prior to attaining the full age of twenty-one years shall be bound by the terms of the application and certificate and by all the by-laws and rules of the society, and shall be entitled to all the rights and privileges of membership therein to the same extent as though said applicant had attained said full age at the time of application. A society may also admit general or social members who shall have no voice or vote in the management of its insurance affairs.

Section 10. A domestic society may amend its articles of incorporation, constitution or laws in accordance with the provisions thereof by action of its supreme legislative or governing body at any regular or special meeting thereof, or, if its articles of incorporation, constitution or laws so provide, by referendum. Such referendum may be held in accordance with the provisions of its articles of incorporation, constitution or by-laws by the vote of the voting members of the society, by the vote of delegates or representatives of voting members, or by the vote of local lodges or branches. No amendment submitted for adoption by referendum shall be adopted unless, within six months from the date of submission thereof, a majority of all of the voting members of the society shall have signified their consent to such amendment by one of the methods herein specified.

No amendment to the articles of incorporation, constitution or by-laws of any domestic society shall take effect unless approved by the commissioner who shall approve such amendment if he finds that it has been duly adopted and is not inconsistent with any requirement of the laws of the commonwealth or with the character, objects and purposes of the society. Unless the commissioner shall disapprove any such amendment within sixty days after the filing of same, such amendment shall be considered approved. The approval or disapproval of the commissioner shall be in writing and mailed to the secretary or corresponding officer of the society at its principal office. In case he disapproves such amendment, the reasons therefor shall be stated in such written notice.

Within ninety days from the approval thereof by the commissioner, or from the time such amendment is considered approved, as provided in this section, all such amendments, or a synopsis thereof, shall be furnished to all members of the society either by mail or by publication in full in the official organ of the society. The affidavit of any officer of the society or of any one authorized by it to mail any amendments or

synopsis thereof, stating facts which show that same have been duly addressed and mailed, shall be prima facie evidence that such amendments or synopsis thereof have been furnished the addressee.

Every foreign or alien society authorized to do business in the commonwealth shall file with the commissioner a duly certified copy of all amendments of, or additions to, its articles of incorporation, constitution or laws within ninety days after the enactment of same.

Printed copies of the constitution or laws, as amended, certified by the secretary or corresponding officer of the society, shall be prima facie evidence of the legal adoption thereof.

Section 11. Whoever with fraudulent intent alters, defaces, mutilates, destroys or conceals any record of any society made by or in the custody of the secretary thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 12. Any society may create, maintain, invest, disburse and apply a death fund, any part of which may in accordance with the by-laws of the society be designated and set apart as an emergency, a surplus or other similar fund, and a disability fund and a hospitalization and medical service fund. Such funds shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any part thereof except as provided in sections seventeen, twenty or twenty-five. The funds from which benefits shall be paid shall be derived and the fund from which the expenses of the society shall be defrayed may be derived from periodical or other payments by the members of the society and accretions of said funds.

Section 13. No society shall make any disbursements of fifteen dollars or more, except disbursements on account of the return of dues paid in advance, unless the same be evidenced by a voucher signed by or on behalf of the person receiving the money and correctly describing the consideration for the payment, and if the same be for services and disbursements setting forth the services rendered and an itemized statement of the disbursements made; and if it be in connection with any matter pending before any legislature or public body, or before any department, board, commission or officer of any government, whether local, state or national, correctly describing in addition the nature of the matter and of the interest of such society therein; or, if such voucher cannot be obtained, by an affidavit stating the reason for not obtaining such voucher, and setting forth the particulars above mentioned.

Section 14. It shall be lawful for a society to create, maintain and operate charitable, benevolent or educational institutions for the benefit of its members and their families and dependents, and for the benefit of children insured by the society. For such purpose it may own, hold or lease personal property or real property located within or without the commonwealth, with necessary buildings thereon. Such property shall be reported in every annual statement, but shall not be allowed as an admitted asset of such society.

Maintenance, treatment and proper attendance in any such institution may be furnished free or a reasonable charge may be made therefor, but no such institution shall be operated for profit. The society shall maintain a separate accounting of any income and disbursements under

this section and report them in its annual statement. No society shall own or operate funeral homes or undertaking establishments.

Section 15. A society may pay benefits, other than insurance benefits, to its members from any special account or fund maintained for such purpose; provided, that if such benefits are of such a nature that they could constitute benefits within the classes of insurance set forth in section seventeen, a society making such payments may not —

(a) Make any separate charge therefor;

(b) Issue any certificate, policy or other document promising such payments;

(c) Provide in its constitution, laws or any other document that such payments may be received by the member as a matter of right; or

(d) Advertise such payments as insurance or as payments to which the member has any right.

The society shall maintain a separate accounting of all disbursements made under this section and report them in its annual statement.

Section 16. The officers and members of the supreme, grand or any subordinate body of a society shall not be personally liable for payment of any benefits provided by a society.

Section 17. A society authorized to do business in the commonwealth may provide for the payment of —

(a) Death benefits in any form;

(b) Endowment benefits;

(c) Annuity benefits;

(d) Temporary or permanent disability benefits;

(e) Hospital, medical or nursing benefits;

(f) Monument or tombstone benefits to the memory of deceased members not exceeding in any case the sum of three hundred dollars; and

(g) Any such benefits may be provided for a member or upon application of a member for the member's family, including the member, the member's spouse, and minor children in one or more certificates.

Section 18. A society may provide for benefits on the lives of children under the minimum age for adult membership, but not greater than twenty-one years of age at time of application therefor, upon the application of some adult person, as its by-laws or rules may provide, which benefits shall be in accordance with the provisions of section seventeen. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society.

Children insured under certificates issued pursuant to this section shall be transferred to and become members of the adult branch of the society upon attaining the minimum age for adult membership under the by-laws of the society.

A society shall have power to provide for the designation and changing of designation of beneficiaries in the certificates providing for such benefits, and to provide in all other respects for the regulation, government and control of such certificates, and all rights, obligations and liabilities incident thereto and connected therewith.

Section 19. Deferred payments or instalments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or instalments are thereafter to be paid. Such

liability shall be the present value of such future payments or instalments upon the rate of interest and mortality assumed by the society for establishing contributions and for valuation; and every society shall at once, upon the filing of due proofs of the happening of the contingency, set apart a fund to meet such deferred payments, regardless of proposed future collections to meet any such payments, and hold such fund, with its interest accretions, in trust for the beneficiary entitled thereto.

No society shall provide for such deferred payments or instalments unless it possesses the full reserve specified in the following section, or, if paying accident benefits only, has assets sufficient to pay all its liabilities.

Section 20. A society may grant paid-up nonforfeiture benefits, cash surrender values, certificate loans and such other options as its by-laws may permit. As to each certificate issued, a society shall grant at least one paid-up nonforfeiture benefit.

In the case of certificates other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, the value of every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the excess, if any, of (a) over (b), as follows: —

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge equal to two and one half per cent of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

However, in the case of certificates issued on a substandard basis, or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit granted, including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than one hundred and thirty per cent of those shown by the mortality table specified in the certificate for the computation of the reserve.

In the case of certificates for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the corresponding amount ascertained in accordance with the provisions of the laws of the commonwealth applicable to life insurance companies issuing policies containing like insurance benefits based upon such tables.

Section 21. A member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, by-laws or rules of the society. Every society by its constitution, by-laws or rules may limit the scope of beneficiaries and shall provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract.

A society may make provision for the payment of funeral benefits to the extent of such portion of any payment under a certificate as might

reasonably appear to be due to any person equitably entitled thereto by reason of having incurred expense occasioned by the burial of the member, provided the portion so paid shall not exceed the sum of five hundred dollars.

Any society may pay the benefits due to minors in monthly instalments of not over twenty-five dollars per month for each minor beneficiary to the person or persons who in the opinion of the society are caring for and supporting such beneficiary, and such payment shall be a complete discharge of the society's liability to the extent of such payments.

If, at the death of any member, there is no lawful beneficiary to whom the insurance benefits shall be payable, the amount of such benefits, except to the extent that funeral benefits may be paid as hereinbefore provided, shall be payable to the personal representative of the deceased member.

Section 22. No money or other benefit, charity, relief or aid to be paid, provided or rendered by any society, shall be liable to attachment or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

Section 23. Every society authorized to do business in the commonwealth shall issue to each benefit member a certificate specifying the amount of benefits provided thereby. The certificate, together with any riders or indorsements attached thereto, the charter or articles of incorporation, the constitution and by-laws of the society, the application for membership, and declaration of insurability, if any, signed by the applicant, and all amendments to each thereof, shall constitute the agreement, as of the date of issuance, between the society and the member, and the certificate shall so state. A copy of the application for membership and of the declaration of insurability, if any, shall be endorsed upon or attached to the certificate.

All statements purporting to be made by the member shall be representations and not warranties. Any waiver of this provision shall be void.

Any changes, additions or amendments to the charter or articles of incorporation, constitution or by-laws duly made or enacted subsequent to the issuance of the certificate, shall bind the member and the beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, except that no change, addition or amendment shall destroy or diminish benefits which the society contracted to give the member as of the date of issuance.

Copies of any of the documents mentioned in this section, certified by the secretary or corresponding officer of the society shall be received as evidence of the terms and conditions thereof.

A society shall provide in its constitution or by-laws that if its reserves as to all or any class of certificates become impaired, its board of directors or corresponding body may require that there shall be paid by the member to the society the amount of the member's equitable proportion of such deficiency as ascertained by its board, and that if the payment

be not made it shall stand as an indebtedness against the certificate and draw interest not to exceed five per cent per annum compounded annually.

Section 24. No life benefit certificate shall be delivered or issued for delivery in this state unless a copy of the form shall have been filed with the commissioner of insurance.

(1) The certificate shall contain in substance the following standard provisions or, in lieu thereof, provisions which are more favorable to the member: —

(a) Title on the face and filing page of the certificate clearly and correctly describing its form;

(b) A provision stating the amount of rates, premiums or other required contributions, by whatever name known, which are payable by the insured under the certificate;

(c) A provision that the member is entitled to a grace period of not less than a full month (or thirty days at the option of the society) in which the payment of any premium after the first may be made. During such grace period the certificate shall continue in full force, but in case the certificate becomes a claim during the grace period before the overdue payment is made, the amount of such overdue payment or payments may be deducted in any settlement under the certificate;

(d) A provision that the member shall be entitled to have the certificate reinstated at any time within three years from the due date of the premium in default, unless the certificate has been completely terminated through the application of a nonforfeiture benefit, cash surrender value or certificate loan, upon the production of evidence of insurability satisfactory to the society, and the payment of all overdue premiums and any other indebtedness to the society upon the certificate, together with interest on such premiums and such indebtedness, if any, at a rate not exceeding six per cent per annum compounded annually;

(e) Except in the case of pure endowment, annuity or reversionary annuity contracts, reducing term insurance contracts, or contracts of term insurance of uniform amount of fifteen years or less expiring before age sixty-six, a provision that, in the event of default in payment of any premium after three full years' premiums have been paid or after premiums for a lesser period have been paid if the contract so provides, the society will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on the plan stipulated in the certificate, effective as of such due date, of such value as specified in this chapter. The certificate may provide, if the society's laws so specify or if the member shall so elect prior to the expiration of the grace period of any overdue premium, that default shall not occur so long as premiums can be paid under the provisions of an arrangement for automatic premium loan as may be set forth in the certificate;

(f) A provision that one paid-up nonforfeiture benefit as specified in the certificate shall become effective automatically unless the member elects another available paid-up nonforfeiture benefit, not later than sixty days after the due date of the premium in default;

(g) A statement of the mortality table and rate of interest used in determining all paid-up nonforfeiture benefits and cash surrender options available under the certificate, and a brief general statement of the method used in calculating such benefits;

(h) A table showing in figures the value of every paid-up nonforfeiture benefit and cash surrender option available under the certificate for each certificate anniversary either during the first twenty certificate years or during the term of the certificate, whichever is shorter;

(i) A provision that the certificate shall be incontestable after it has been in force during the lifetime of the member for a period of two years from its date of issue except for nonpayment of premiums, violation of the provisions of the certificate relating to military aviation or naval service, and violation of the provisions relating to suspension or expulsion as substantially set forth in the certificate. At the option of the society, supplemental provisions relating to benefits in the event of temporary or permanent disability or hospitalization, and provisions which grant additional insurance specifically against death by accident or accidental means, may also be excepted. The certificate shall be incontestable on the ground of suicide after it has been in force during the lifetime of the member for a period of two years from date of issue. The certificate may provide, as to statements made to procure reinstatement, that the society shall have the right to contest a reinstated certificate within a period of two years from date of reinstatement with the same exceptions as herein provided;

(j) A provision that in case the age of the member or of the beneficiary is considered in determining the premium, and it is found at any time before final settlement under the certificate that the age has been misstated, and the discrepancy and premium involved have not been adjusted, the amount payable shall be such as the premium would have purchased at the correct age; but if the correct age was not an insurable age under the society's charter or by-laws, only the premiums paid to the society, less any payments previously made to the member, shall be returned, or, at the option of the society, the amount payable under the certificate shall be such as the premium would have purchased at the correct age according to the society's promulgated rates and any extension thereof based on actuarial principles;

(k) A provision or provisions which recite fully, or which set forth the substance of, all sections of the charter, constitution, by-laws, rules or regulations of the society, in force at the time of issuance of the certificate, the violation of which will result in the termination of, or in the reduction of, the benefit or benefits payable under the certificate;

(l) If the constitution or by-laws of the society provide for expulsion or suspension of a member, any member so expelled or suspended, except for non-payment of a premium or within the contestable period for material misrepresentations in such member's application for membership, shall have the privilege of maintaining his insurance in force by continuing payment of the required premium; and

(m) In the case of a certificate issued by a foreign or alien society, a provision that the rights or obligations of the member or of any person rightfully claiming under the certificate shall be governed by the laws of the commonwealth.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance or because the certificate is an annuity certificate may, to the extent inapplicable, be omitted from the certificate.

(2) No life benefit certificate shall be delivered or issued for delivery in this state containing in substance any of the following provisions: —

(a) Any provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue;

(b) Any provision by which the certificate shall purport to be issued or to take effect more than six months before the original application for the certificate was made, except in case of transfer from one form of certificate to another in connection with which the member is to receive credit for any reserve accumulation under the form of certificate from which the transfer is made; or

(c) Any provision for forfeiture of the certificate for failure to repay any loan thereon or to pay interest on such loan while the total indebtedness, including interest, is less than the loan value of the certificate.

Section 25. Whenever it appears by a valuation certified to by a competent actuary that the actual assets of a society exceed its liabilities, including in liabilities the tabular reserves computed on the basis specified in section twenty by an amount equal to five per cent of said reserves, increased by an amount equal to all its other mortuary liabilities, it may, by vote of its officers having the powers of directors, and for such period as its assets are maintained as aforesaid, waive the further collection of the regular mortuary contributions from its members. A society maintaining a surplus of assets in excess of such amount as enables it to waive contributions as aforesaid may pay back to its several members an equitable portion of such surplus in such manner as may be determined by vote of said officers.

Section 26. No domestic, foreign or alien society authorized to do business in the commonwealth shall issue or deliver in the commonwealth any certificate or other evidence of any contract of accident insurance or health insurance or of any total and permanent disability insurance contract unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, shall have been filed with the commissioner and approved by him as conforming to reasonable rules and regulations from time to time made by him, and as not inconsistent with any other provisions of law applicable thereto. The commissioner shall, within a reasonable time after the filing of any such form, notify the society filing the same either of his approval or of his disapproval of such form. The commissioner may approve any such form which in his opinion contains provisions on any one or more of the several requirements made by him which are more favorable to the members than the one or ones so required. Pursuant to the foregoing provisions the commissioner shall have power, from time to time, to make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations shall conform, as far as practicable, to the provisions of law relating to health and accident policy provisions and disability policy provisions. Where the commissioner deems inapplicable, either in part or in their entirety, the provisions of the foregoing sections, he may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member. Any filing made hereunder shall be deemed approved unless disapproved within sixty days from the date of such filing.

Section 27. The constitution and by-laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of by-

laws or the constitution. Such provisions shall be binding on the society and every member and beneficiary of a member.

Section 28. A domestic society may, by a reinsurance agreement, cede any individual risk or risks in whole or in part to an insurer, other than another fraternal benefit society, having the power to make such reinsurance and authorized to do business in the commonwealth, or, if not so authorized, one which is approved by the commissioner; but no such society may reinsure substantially all of its insurance in force without the written permission of the commissioner. It may take credit for the reserves on such ceded risks to the extent reinsured, but no credit shall be allowed as an admitted asset or as a deduction from liability, to a ceding society for reinsurance made, ceded, renewed or otherwise becoming effective, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding society under the contract or contracts reinsured without diminution because of the insolvency of the ceding society.

Section 29. The authority of a society licensed under the provisions of this chapter may be renewed annually, but in all cases shall terminate on the first day of the succeeding July; provided, however, a license so issued shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the commissioner twenty dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Section 30. No foreign or alien society shall transact business in the commonwealth without a license issued by the commissioner. Any such society may be licensed to transact business in the commonwealth upon filing with the commissioner —

- (a) A duly certified copy of its charter or articles of incorporation;
- (b) A copy of its constitution and by-laws, certified by its secretary or corresponding officer;
- (c) A power of attorney to the commissioner as prescribed in section thirty-six;
- (d) A statement of its business under oath of its president and secretary or corresponding officers in a form prescribed by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state, territory, province or country, satisfactory to the commissioner;
- (e) A certificate from the proper official of its home state, territory, province or country that the society is legally incorporated and licensed to transact business therein;
- (f) Copies of its certificate forms; and
- (g) Such other information as he may deem necessary — and upon a showing that its assets are invested in accordance with the provisions of this chapter

Any foreign or alien society desiring admission to this commonwealth shall have the financial qualifications required of domestic societies organized under this chapter.

Section 31. The beneficiary under a certificate issued by any society may maintain an action thereon in his own name.

Section 32. A foreign society, if formed under the laws of any government or state other than the United States or one of the United

States, shall not be admitted and authorized to transact business in the commonwealth until, besides complying with the conditions of sections thirty and thirty-six, it has satisfied the commissioner that it has made a deposit, as hereinafter provided, with the state treasurer or with the proper board or officer of some other state of the United States or with trustees who are citizens or corporations of the United States and approved by the commissioner, appointed under a deed of trust executed in a form approved by the attorney general and the commissioner and who have filed with the commissioner a bond, in a form approved by the attorney general and the commissioner, with a surety company authorized to transact business in the commonwealth as surety, and in such sum as the commissioner may require, conditioned upon the faithful performance of their duties and running to the commissioner or his successor for the benefit of all the members, certificate holders and creditors within the United States of such society. Such deposit shall be held in exclusive trust for the benefit and security of all the members, certificate holders and creditors in the United States of such society, and shall be in an amount not less than the reserves with respect to all its outstanding certificates of membership held by residents of the United States and may be made in the securities and subject to the limitations specified in sections sixty-three and sixty-six of chapter one hundred and seventy-five, or in cash or such other securities as the commissioner may approve. If made with the state treasurer, such deposit shall not be returned to the society until it has ceased to transact business in the commonwealth, nor until the commissioner is satisfied that the society is under no obligation to members, certificate holders or other persons in this commonwealth or in any other state of the United States for whose benefit such deposit was made, nor until he has given his written consent to such return; provided, that the commissioner may, in any case, authorize in writing the return to the society of any excess of any such deposit over the amount required by this section if he is satisfied that such return will not be prejudicial to the interests of its members, certificate holders or creditors.

Section 33. When the commissioner upon investigation finds that a domestic society —

- (a) Has exceeded its powers;
- (b) Has failed to comply with any provision of this chapter;
- (c) Is not fulfilling its contracts in good faith;
- (d) Has a membership of less than four hundred after an existence of one year or more; or
- (e) Is conducting business fraudulently or in a manner hazardous to its members, creditors, the public or the business, he shall notify the society of his findings, state in writing the reasons for his dissatisfaction, and require the society to show cause before him, at a time and place named, why he should not take action to have the society enjoined from carrying on any business until the violation complained of shall have been corrected, or to have any other appropriate action commenced in court, as provided in the next paragraph.

If on such date the society does not present good and sufficient reasons why he should not take such action, the commissioner may present the facts relating thereto to the attorney general, who shall, if he deems the circumstances warrant, commence an action to enjoin the society from transacting business or commence any other appropriate action in court.

The court shall thereupon notify the officers of the society of a hearing. If after a full hearing it appears that the society should be so enjoined or liquidated or a receiver appointed, or that other appropriate action be taken by the court, the court shall enter the necessary order.

No society so enjoined shall have authority to do business until —

(a) The commissioner finds that the violation complained of has been corrected;

(b) The cost of such action shall have been paid by the society if the court finds that the society was in default as charged;

(c) The court has dissolved its injunction; and

(d) The commissioner has reinstated the certificate of authority.

If the court orders the society liquidated, it shall be enjoined from carrying on any further business, whereupon the receiver of the society shall proceed at once to take possession of the books, papers, money and other assets of the society, and, under the direction of the court, proceed forthwith to close the affairs of the society and to distribute its funds to those entitled thereto.

No action under this section shall be commenced in any court of the commonwealth unless brought by the attorney general upon request of the commissioner. Whenever a receiver is to be appointed for a domestic society, the court shall appoint the commissioner as such receiver.

The provisions of this section relating to hearing by the commissioner, action by the attorney general at the request of the commissioner, hearing by the court, injunction and receivership shall be applicable to a society which shall voluntarily determine to discontinue business.

Section 34. When the commissioner upon investigation finds that a foreign or alien society transacting or applying to transact business in this state, (a) has exceeded its powers; (b) has failed to comply with any of the provisions of this chapter; (c) is not fulfilling its contracts in good faith; or (d) is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public, he shall notify the society of his findings, state in writing the reasons for his dissatisfaction, and require the society to show cause on a date named why its license should not be suspended, revoked or refused. If on such date the society does not present good and sufficient reason why its authority to do business in this state should not be suspended, revoked or refused, he may suspend or refuse the license of the society to do business in this state until satisfactory evidence is furnished to him that such suspension or refusal should be withdrawn, or he may revoke the authority of the society to do business in this state.

Nothing contained in this section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in the commonwealth during the time such society was legally authorized to transact business herein.

Section 35. Agents of societies shall be licensed in accordance with the provisions of this section.

(1) The term "insurance agent" as used in this section means any authorized or acknowledged agent of a society who acts as such in the solicitation, negotiation or procurement or making of a life insurance, accident and health insurance or annuity contract, except that the term "insurance agent" shall not include —

(a) Any regular salaried officer or employee of a licensed society who devotes substantially all of his services to activities other than the solicitation of fraternal insurance contracts from the public, and who receives for the solicitation of such contracts no commission or other compensation directly dependent upon the amount of business obtained; or

(b) Any agent or representative of a society who devotes, or intends to devote, less than fifty per cent of his time to the solicitation and procurement of insurance contracts for such society. Any person who in the preceding calendar year has solicited and procured life insurance contracts on behalf of any society in an amount of insurance in excess of fifty thousand dollars, or, in the case of any other kind or kinds of insurance which the society might write, on the persons of more than twenty-five individuals, and who has received or will receive a commission or other compensation therefor, shall be presumed to be devoting, or intending to devote, fifty per cent of his time to the solicitation or procurement of insurance contracts for such society.

(2) Any person who in the commonwealth acts as insurance agent for a society without having authority so to do by virtue of a license issued and in force pursuant to the provisions of this section shall, except as provided in subsection (1), be guilty of a misdemeanor.

(3) No society doing business in the commonwealth shall pay any commission or other compensation to any person for any services in obtaining in the commonwealth any new contract of life, accident or health insurance, or any new annuity contract, except to a licensed insurance agent of such society, and except an agent exempted under subsection (1) (b) of this section.

(4) (a) The commissioner may issue a license to any person who has paid an annual license fee of five dollars and who has complied with the requirements of this section, authorizing such licensee to act as an insurance agent on behalf of any society named in such license which is authorized to do business in the commonwealth.

(b) Before any insurance agent's license shall be issued there shall be on file in the office of the commissioner the following documents: —

(1) A written application by the prospective licensee in such form or forms and supplements thereto, and containing such information, as the commissioner may prescribe; and

(2) A certificate by the society which is to be named in such license, stating that such society has satisfied itself that the named applicant is trustworthy and competent to act as such insurance agent, and that the society will appoint such applicant to act as its agent if the license applied for is issued by the commissioner. Such certificates shall be executed and acknowledged by an officer or managing agent of such society.

(c) No written or other examination shall be required of any individual seeking to be named as a licensee to represent a society as its agent.

(d) The commissioner may refuse to issue or renew any insurance agent's license if in his judgment the proposed licensee is not trustworthy and competent to act as such agent, or has given cause for revocation or suspension of such license, or has failed to comply with any prerequisite for the issuance or renewal, as the case may be, of such license.

(e) Every license issued pursuant to this section, and every renewal thereof, shall expire on December thirty-first of the even-numbered

calendar year following the calendar year in which such license or renewal license was issued.

(f) If the application for a renewal license shall have been filed with the commissioner on or before December thirty-first of the year in which the existing license is to expire, such applicant named in such existing license may continue to act as insurance agent under such existing license, unless same shall be revoked or suspended, until the issuance by the commissioner of the renewal license, or until the expiration of five days after he shall have refused to renew such license and shall have served written notice of such refusal on the applicant. If the applicant shall, within thirty days after such notice is given, notify the commissioner in writing of his request for a hearing on such refusal, the commissioner shall, within a reasonable time after receipt of such notice, grant such hearing, and he may, in his discretion, reinstate such license.

(g) Any such renewal license of an insurance agent may be issued upon the application of the society named in the existing license. Such application shall be in the form or forms prescribed by the commissioner and shall contain such information as he may require. Such application shall contain a certificate executed by the president, or by a vice president, a secretary, an assistant secretary, or corresponding officer by whatever name known, or by an employee expressly designated and authorized to execute such certificate of a domestic or foreign society or by the United States manager of an alien society, stating that the addresses therein given of the agents of such society for whom renewal licenses are requested therein have been verified in each instance immediately preceding the preparation of the application. Notwithstanding the filing of such application, the commissioner may, after reasonable notice to any such society, require that any or all agents of such society to be named as licensees in renewal licenses shall execute and file separate applications for the renewal of such licenses, as hereinbefore specified, and he may also require that each such application shall be accompanied by the certificate specified in paragraph (b) (2) of subsection (4) of this section.

(5) Every society doing business in the commonwealth shall, upon the termination of the appointment of an insurance agent licensed to represent it in the commonwealth, forthwith file with the commissioner a statement, in such form as he may prescribe, of the facts relative to such termination and the cause thereof. Every statement made pursuant to this section shall be deemed a privileged communication.

(6) (a) The commissioner may revoke or may suspend for such period as he may determine, any insurance agent's license if, after notice and hearing as specified in this section, he determines that the licensee has —

(1) Violated any provision of, or any obligation imposed by, this section, or has violated any law in the course of his dealings as agent;

(2) Made a material misstatement in the application for such license;

(3) Been guilty of fraudulent or dishonest practices;

(4) Demonstrated his incompetency or untrustworthiness to act as an insurance agent; or

(5) Been guilty of rebating as defined by the laws of the commonwealth applicable to life insurance companies.

(b) The revocation or suspension of any insurance agent's license shall terminate forthwith the license of such agent. No individual whose license has been revoked shall be entitled to obtain any insurance

agent's license under the provisions of this section for a period of one year after such revocation, or, if such revocation be judicially reviewed, for one year after the final determination thereof affirming the action of the commissioner in revoking such license.

Section 36. Every society authorized to do business in the commonwealth shall appoint in writing the commissioner and each successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it shall be served, and shall agree in such writing that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in the commonwealth. Copies of such appointment, certified by said commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Service shall only be made upon the commissioner, or if absent, upon the person in charge of his office. It shall be made in duplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the commissioner, he shall forthwith forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. Such service shall be made at least thirty days prior to the return day of the writ, and a society shall not be required to appear or file an answer, pleading or defence in less than thirty days after such service of any other process not commenced by writ. Legal process shall not be served upon a society except in the manner herein provided. At the time of serving any process upon the commissioner, the plaintiff or complainant in the action shall pay to the commissioner a fee of two dollars.

Section 37. No application or petition for injunction against any domestic, foreign or alien society, or branch thereof, shall be brought in any court of the commonwealth except by the attorney general upon request of the commissioner.

Section 38. All decisions and findings of the commissioner made under the provisions of this chapter shall be subject to review by proper proceedings in any court of competent jurisdiction in the commonwealth.

Section 39. All assets shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in the contract.

A society may create, maintain, invest, disburse and apply any special fund or funds necessary to carry out any purpose permitted by the by-laws of such society.

Every society, the admitted assets of which are less than the sum of its accrued liabilities and reserves under all of its certificates when valued according to standards required for certificates issued, shall, in every provision of the by-laws of the society for payments by members of such society, in whatever form made, distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions thereto shall be used for expenses.

Section 40. Every society shall invest its funds in securities permitted by chapter one hundred and seventy-five for the investment of the capital of insurance companies, except that it may invest an amount not exceeding ten per cent of its funds in the shares of federal savings and loan associations located in the commonwealth and, in addition, invest and deposit in paid-up shares and accounts of and in co-operative banks chartered by the commonwealth, and may deposit any of its funds in any savings bank, or savings department of a trust company, chartered under the laws of the commonwealth; provided, that any foreign society permitted or seeking to do business in the commonwealth may invest its funds in accordance with the laws of the state where it is incorporated; and provided, further, that a part thereof, not exceeding twenty per cent of its death fund, may be invested in a building for use and occupation by the society as its home office; and that a society having branches situated in the Dominion of Canada may invest a part of its death fund in the public funds of the Dominion of Canada, or of any province of the Dominion of Canada, not exceeding in the aggregate an amount equal to the sum of its collected premiums for the four months last past. Any society, having admitted assets as shown by its annual statement filed with the commissioner in excess of one hundred and five per cent of its entire liabilities, including its required reserves, provided such reserves are at least equivalent to the amount required by the American experience table of mortality with interest at two and one half per cent per annum, may invest an amount not exceeding five per cent of its funds in the capital stock of a trust company incorporated in and doing business in the commonwealth, or of a national banking association incorporated under federal law and located in any one of the New England states, if such trust company or association has paid dividends in cash of not less than four per cent on its capital stock in each of the five years next preceding the date of the investment, and if the amount of surplus of such trust company or association is at least equal to fifty per cent of the amount of its capital stock.

Section 41. Reports shall be filed and synopsis of annual statements shall be published in accordance with the provisions of this section.

(1) Every society transacting business in the commonwealth shall annually, on or before the first day of March, unless for cause shown such time has been extended by the commissioner, file with the commissioner a true statement of its financial condition, transactions and affairs for the preceding calendar year and pay a fee of five dollars for filing same. The statement shall be in general form and context as approved by the National Association of Insurance Commissioners for fraternal benefit societies and as supplemented by additional information required by the commissioner.

(2) A synopsis of its annual statement providing an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each benefit member of the society not later than June first of each year, or, in lieu thereof, such synopsis may be published in the society's official publication.

(3) As a part of the annual statement herein required, each society shall, on or before the first day of March, file with the commissioner a valuation of its certificates in force on December thirty-first last pre-

ceding, provided the commissioner may, in his discretion for cause shown, extend the time for filing such valuation for not more than two calendar months. Such report of valuation shall show, as reserve liabilities, the difference between the present mid-year value of the promised benefits provided in the certificates of such society in force and the present mid-year value of the future net premiums as the same are in practice actually collected, not including therein any value for the right to make extra assessments, and not including any amount by which the present mid-year value of future net premiums exceeds the present mid-year value of promised benefits on individual certificates. At the option of any society, in lieu of the above, the valuation may show the net tabular value. Such net tabular value as to certificates issued prior to January first, nineteen hundred and fifty-nine, shall be determined in accordance with the provisions of law applicable prior to said January first, and, as to certificates issued on or after said January first, shall not be less than the reserves determined according to the Commissioners' Reserve Valuation method as hereinafter defined. If the premium charged is less than the tabular net premium according to the basis of valuation used, and additional reserve equal to the present value of the deficiency in such premiums shall be set up and maintained as a liability. The reserve liabilities shall be properly adjusted in the event that the mid-year or tabular values are not appropriate.

(4) Reserves according to the Commissioners' Reserve Valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net premiums therefor. The modified net premiums for any such certificate shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the certificate, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the certificate and the excess of (a) over (b), as follows:—

(a) A net level premium equal to the present value, at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one per cent per annum payable on the first and each subsequent anniversary of such certificate on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such certificate; and

(b) A net one-year term premium for such benefits provided for in the first certificate year.

Reserves according to the Commissioners' Reserve Valuation method for (1) life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums; (2) annuity and pure endowment benefits; (3) disability and accidental death benefits in all certificates and contracts; and (4) all other benefits except life insurance and endowment benefits, shall be calculated by a method consistent with the principles of this subsection.

(5) The present value of deferred payments due under incurred claims

or matured certificates shall be deemed a liability of the society, and shall be computed upon mortality and interest standards prescribed in the following subsection: —

(6) Such valuation and underlying data shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the department of insurance of the state of domicile of the society.

The minimum standards of valuation for certificates issued prior to January first, nineteen hundred and fifty-nine, shall be those provided by the law applicable immediately prior to said January first, but not lower than the standards used in the calculating of rates for such certificates.

The minimum standard of valuation for certificates issued on or after said January first shall be three and one half per cent interest and the following tables: —

(a) For certificates of life insurance — American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof or with the consent of the commissioner, the Commissioner's 1941 Standard Ordinary Mortality Table or the Commissioner's 1941 Standard Industrial Table of Mortality;

(b) For annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates — the 1937 Standard Annuity Table;

(c) For disability benefits issued in connection with life benefit certificates — Hunter's Disability Table, which, for active lives, shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates, except that the table known as Class III Disability Table (1926) modified to conform to the contractual waiting period, shall be used in computing reserves for disability benefits under a contract which presumes that total disability shall be considered to be permanent after a specified period;

(d) For accidental death benefits issued in connection with life benefit certificates — the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For non-cancellable accident and health benefits — the Class III Disability Table (1926) with conference modifications or, with the consent of the commissioner, tables based upon the society's own experience.

The commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard herein prescribed. The commissioner may, in his discretion, vary the standards of mortality applicable to all certificates of insurance on substandard lives or other extra hazardous lives by any society authorized to do business in the commonwealth. Whenever the mortality experience under all certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner may require additional reserves when deemed necessary in his judgment on account of such certificates.

Any society, with the consent of the commissioner of insurance or other officer or officers exercising like powers of the state of domicile of the society and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the

reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

(7) A society neglecting to file the annual statement in the form and within the time provided by this section shall forfeit one hundred dollars for each day during which such neglect continues, and, upon notice by the commissioner to that effect, its authority to do business in this state shall cease while such default continues.

Section 42. Any society may, in the annual statement required by section forty-one, value its bonds or other evidences of debt having a fixed term and rate and not in default as to principal or interest and if amply secured, in accordance with the following rule:— if purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase and provided, further, that the commissioner shall have full discretion in determining the method of calculating values according to the foregoing rule; and provided, also, that any society may return such bonds or other evidences of debt at either their market or their book value but in no event at any aggregate value exceeding the aggregate of the values calculated according to the foregoing rule.

Section 43. If the stated periodical contributions of the members of any society subject to section forty-one are insufficient to pay all reported death, disability, hospitalization and medical service claims in full, and to provide for the creation and maintenance of the funds required by its by-laws or by this chapter, additional contributions or additional, increased or extra rates of contributions shall be collected from its members to meet the deficiency, and the by-laws of the society shall so provide; and such by-laws may provide that upon the written application or consent of the member his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per cent per annum.

Section 44. The commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society, and he shall make such examination at least once in every three years. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme legislative or governing body and of the board of directors or corresponding body of a society shall be in the English language. In making any such examination the commissioner may summon and qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society. A summary of the report of the commissioner and such recommendations or statements of the commissioner as may accompany such report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the commissioner, shall also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. A copy of the report, recommendations and statements of the commissioner shall be furnished by the society to each member of such

board of directors or other governing body. The expense of each examination and of each valuation, including compensation and actual expense of examiners, shall be paid by the society examined or whose certificates are valued, upon statements furnished by the commissioner.

Section 45. The commissioner, or any person whom he may appoint, may examine any foreign or alien society transacting or applying for admission to transact business in this state. He may employ assistants, and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. He may in his discretion accept, in lieu of such examination, the examination of the insurance department of the state, territory, district, province or country where such society is organized. The compensation and actual expenses of the examiners making any examination or general or special valuation shall be paid by the society examined or by the society whose certificate obligations have been valued, upon statements furnished by the commissioner.

Section 46. Pending, during or after an examination or investigation of a society, either domestic, foreign or alien, the commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof shall have been served upon the society at its principal office and the society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Section 47. No person shall cause or permit to be made, issued or circulated in any form —

(a) Any misrepresentation or false or misleading statement concerning the terms, benefits or advantages of any fraternal insurance contract now issued or to be issued in the commonwealth, or the financial condition of any society;

(b) Any false or misleading estimate or statement concerning the dividends or shares of surplus paid or to be paid by any society on any insurance contract; or

(c) Any incomplete comparison of an insurance contract of one society with an insurance contract of another society or insurer for the purpose of inducing the lapse, forfeiture or surrender of any insurance contract. A comparison of insurance contracts is incomplete if it does not compare in detail —

(1) The gross rates, and the gross rates less any dividend or other reduction allowed at the date of the comparison; and

(2) Any increase in cash values, and all the benefits provided by each contract for the possible duration thereof as determined by the life expectancy of the insured; or if it omits from consideration —

(3) Any benefit or value provided in the contract;

(4) Any differences as to amount or period of rates; or

(5) Any differences in limitations or conditions or provisions which directly or indirectly affect the benefits.

In any determination of the incompleteness or misleading character of any comparison or statement, it shall be presumed that the insured had no knowledge of any of the contents of the contract involved.

Any person who violates any provision of this section or knowingly receives any compensation or commission by or in consequence of such

violation, shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment; and shall, in addition, be liable in the amount of three times the sum received by such violator as compensation or commission, which may be sued for and recovered by any person or society aggrieved for his or its own use and benefit in an action of tort.

Section 48. No society doing business in the commonwealth shall make or permit any unfair discrimination between insured members of the same class and equal expectation of life in the premiums charged for certificates of insurance, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes.

No society, by itself, or any other party, and no agent or solicitor, personally, or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any valuable consideration or inducement to, or for insurance, on any risk authorized to be taken by such society, which is not specified in the certificate. No member shall receive or accept, directly or indirectly, any rebate of premium, or part thereof, or agent's or solicitor's commission thereon, payable on any certificate, or receive or accept any favor or advantage or share in the dividends or other benefits to accrue on, or any valuable consideration or inducement not specified in, the contract of insurance.

Section 49. Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax other than taxes on real estate and office equipment.

Section 50. Societies shall be governed by this chapter, and shall be exempt from all other provisions of the insurance laws of the commonwealth except sections sixteen, one hundred and sixty A, one hundred and sixty B, one hundred and seventy-eight to one hundred and eighty, inclusive, and one hundred and eighty-five of chapter one hundred and seventy-five, not only in governmental relations with the commonwealth, but for every other purpose; and no law hereafter enacted shall apply to them unless they are expressly designated therein.

Section 51. Nothing contained in this chapter shall be so construed as to affect or apply to —

(a) Grand or subordinate lodges of societies, orders or associations doing business in the commonwealth on December thirty-first, nineteen hundred and fifty-eight, which provide benefits exclusively through local or subordinate lodges;

(b) Orders, societies or associations which admit to membership only persons engaged in one or more crafts or hazardous occupations, in the same or similar lines of business, insuring only their own members, their families and descendants of members, and the ladies' societies or ladies' auxiliaries to such orders, societies or associations;

No society which, by the provisions of this section, is exempt from the requirements of this chapter, except any society described in clause (b) of this section, shall give or allow, or promise to give or allow, to any person any compensation for procuring new members.

Every society which provides for benefits in case of death or disability resulting solely from accident, and which does not obligate itself to pay

natural death or sick benefits, shall have all of the privileges and be subject to all the applicable provisions and regulations of this chapter except that the provisions thereof relating to medical examination, valuations of benefit certificates, and incontestability, shall not apply to such society.

The commissioner may require from any society or association, by examination or otherwise, such information as will enable him to determine whether such society or association is exempt from the provisions of this chapter.

Section 52. Any person who willfully makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Any person who willfully makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this chapter, or of any material fact or thing contained in a sworn statement concerning the death or disability of a member for the purpose of procuring payment of a benefit named in the certificate, shall be guilty of perjury and shall be subject to the penalties therefor prescribed by law.

Any person who solicits membership for, or in any manner assists in procuring membership in, any society not licensed to do business in this state shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Any person guilty of a willful violation of, or neglect or refusal to comply with, the provisions of this chapter for which a penalty is not otherwise prescribed, shall be punished by a fine of not more than two hundred dollars.

Section 53. The superior court shall have jurisdiction in equity, upon an information filed by the Attorney General at the relation of the commissioner, to restrain all violations of this chapter and to enforce compliance with the provisions thereof and payment of all fines, forfeitures or penalties provided thereby. The remedy herein provided shall be in addition to all other remedies otherwise provided by law or by this chapter, and not in substitution therefor.

Section 54. Any contract of insurance or any benefit certificate made, issued, issued or delivered by any society in violation of any provision of this chapter, or any provision of its charter, articles of association, constitution or by-laws, shall nevertheless be valid and binding upon it and its members, but the rights, duties and obligations of the parties thereto shall be determined by the provisions of this chapter and of the charter, articles of association, constitution and by-laws of the society.

Section 55. Whoever solicits membership in any society not duly authorized to transact business in the commonwealth, or, whoever, for a person other than himself, or as an agent, solicitor, organizer, officer or other representative of any such society or of any local or subordinate lodge or branch thereof, acts or aids in any manner in the issue, delivery, negotiation, continuance or renewal of any contract of insurance or benefit certificate in such society, or whoever, as such agent, solicitor, organizer, officer or other representative, acts or aids in any manner in the transaction of any business on behalf of such society or of any local or subordinate lodge or branch thereof, by the collection or transmission

of dues or assessments, the calling or holding of meetings, or otherwise, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Whoever, by the means of cards, circulars, letterheads, advertisements, signs or other methods, represents or holds himself out to the public as being an agent, solicitor, organizer, officer or other representative of any such society or of any local or subordinate lodge or branch thereof shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Section 56. Any society operating on the lodge system with a representative form of government whose rates are on a basis of mortality not lower than the national fraternal congress table as adopted by the national fraternal congress, August twenty-third, eighteen hundred and ninety-nine, if its constitution and by-laws so provide, may pay a pension to any employee who has been continuously in the service of the society for ten years or more and who has become incapacitated for further service by reason of physical or mental disability, and may pay a pension to any employee who has been continuously in the service of the society for fifteen years or more and who is retired by reason of the infirmities of age or has attained the age of sixty-five years. All moneys expended for the purposes of this section shall be paid from the expense fund of the society.

SECTION 2. Any society as defined in chapter one hundred and seventy-six of the General Laws as in effect immediately preceding the effective date of this act which is transacting business on December thirty-first, nineteen hundred and fifty-eight, under the authority of sections forty-five to forty-six D, inclusive, of said chapter and similar societies organized hereafter may exercise all the rights, powers and privileges prescribed for such society under said chapter as in effect immediately preceding the effective date of this act.

SECTION 3. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved August 15, 1958.

CHAP. 541. AN ACT ESTABLISHING THE OLD COLONY AREA TRANSPORTATION COMMISSION FOR THE PURPOSE OF MAKING A CONTRACT WITH THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY TO CONTINUE PASSENGER SERVICE UNTIL JULY FIRST, NINETEEN HUNDRED AND FIFTY-NINE ON THE OLD COLONY LINES AND EXTEND AN OPTION TO BUY SAID LINES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to avoid substantial loss of employment, great reduction in property values, other irreparable harm to the economic welfare of the southeastern part of the commonwealth and to the city of Boston and vehicular traffic congestion and other hardships in travelling which will ensue if railroad passenger service into and out of the city of Boston upon the lines formerly owned by the Old Colony Railroad Company is discontinued pursuant to a certain plan of reorganization, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. *Old Colony Area Transportation Commission.* — Until July first, nineteen hundred and fifty-nine, there shall be in the department of public utilities, but in no respect subject to the direction or control of the commission having the supervision and control of said department, a board, known as the Old Colony Area Transportation Commission, consisting of five persons serving without compensation upon appointment by the governor by and with the advice and consent of the council, of whom one shall be a resident of the city of Boston and the others residents of cities and towns named in paragraph (2) of section three. None of the commissioners shall be in the employ of, or own any stock in, or be in any way, directly or indirectly, pecuniarily interested in any railroad corporation or bus or street railway company; nor shall more than three of the commissioners be of the same political party; nor shall any two of the commissioners reside in the same city or town. The governor shall designate one of the commissioners as chairman. With the advice and consent of the council, the governor may remove any commissioner for cause. Any vacancy in the commission from any cause shall be filled by appointment as aforesaid.

SECTION 2. *Duties of Commission.* — The Old Colony Area Transportation Commission shall forthwith enter into a contract in the name and behalf of the commonwealth with the New York, New Haven and Hartford Railroad Company whereby, in consideration of an agreement by the commonwealth to pay to said company the sum of nine hundred thousand dollars in four equal instalments of two hundred and twenty-five thousand dollars each on October first in the current year and on January second, April first and July first in the year nineteen hundred and fifty-nine, said company shall agree to operate from the time of the execution of such contract until July first, nineteen hundred and fifty-nine, railroad passenger service to and from the city of Boston through the Atlantic station in the city of Quincy to and from the Greenbush station in the town of Scituate, the Plymouth station in the town of Plymouth, the Woods Hole station in the town of Falmouth, and the Hyannis station in the town of Barnstable, respectively, — such service to be of the same type as, or of a type which in the judgment of said commission is better than, the service furnished on such lines during the year beginning July first, nineteen hundred and fifty-seven, and of a quality at least as good as the service so furnished during said year, and provided by equipment at least as good as the service so furnished during said year, and furnished on the same or more frequent operating schedules for each season for the aforesaid stations and all intermediate stations during the period of the contract as the service so furnished during said year, and operated on the tariffs in effect for such service on the passage of this act; and by such contract said company shall further grant an option to the commonwealth to purchase from said company on or before August fifteenth, nineteen hundred and fifty-nine, that portion of the Boston group lines extending from Boston to Braintree at the salvage value thereof which was accepted for the purposes of the plan of reorganization approved on March sixth, nineteen hundred and forty-four, and confirmed on September sixth, nineteen hundred and forty-five, by the United States District Court for the District of Connecticut in proceedings for the reorganization of the New York, New Haven

and Hartford Railroad Company, plus the depreciated amount of capital improvements made since the date of the appraisal of such salvage value, — such option (a) to be limited to such facilities appurtenant to said Boston-Braintree segment as shall reasonably be required by the commonwealth for its passenger operation and subject to a right in said company to make joint use of such of said facilities as are not reasonably required for the exclusive use of the commonwealth, and (b) to be accompanied by an undertaking by said company to accord to the commonwealth so far as possible, in the event it exercises such option, the right to use the Boston Terminal Company property on the same terms and conditions as possessed by said company. In the event such option is exercised, neither the aforesaid nine hundred thousand dollars nor any part thereof shall be applied to the purchase price.

The Old Colony Area Transportation Commission shall superintend for the commonwealth the performance of such contract, shall investigate all complaints that said company is not faithfully performing its obligations thereunder, and may refer to the board established by section four of this act for advice any such complaint or the results of its investigation thereof, or both. Upon application of the commonwealth acting by the attorney general upon the request of said commission, the superior court shall have jurisdiction in equity to compel the specific performance of such contract by said company.

If in the exercise of its reserved jurisdiction to consider and act in any matter arising out of the option granted in the aforesaid plan of reorganization to the commonwealth for the purchase of the aforesaid portion of the Boston group lines, the United States District Court for the District of Connecticut shall allow the option aforesaid as an extension of the option granted in said plan, the option aforesaid shall be deemed for all purposes to be an extension of the option granted in said plan. Nothing in this act, and nothing done thereunder, shall be construed to affect in any way the jurisdiction or power of the United States District Court for the District of Connecticut or any right, privilege or obligation of said company under the aforesaid plan of reorganization except as provided in the preceding sentence of this paragraph and except in so far as such contract shall require of said company the operation of railroad passenger service as described in this section. Said company shall render a quarterly account of the disposition of the two hundred and twenty-five thousand dollars received by it during the prior quarter, and said report shall be filed with the Old Colony Area Transportation Commission and a copy thereof forwarded to the department of public utilities.

SECTION 3. *Assessments on Municipalities in Old Colony Transportation Area.* — 1. On or before October first in the current year, the city of Boston shall pay to the New York, New Haven and Hartford Railroad Company the sum of two hundred and twenty-five thousand dollars in discharge of the obligation of the commonwealth to pay the instalment payable under such contract on said date. When assessing taxes under section twenty-three of chapter fifty-nine of the General Laws in the current year, the assessors of said city shall include a like sum for the purpose of enabling said city to make such payment.

2. The aggregate amount of the instalments payable by the commonwealth under such contract in the year nineteen hundred and fifty-nine,

with interest or other charges incurred in borrowing money to pay such instalments, shall be assessed, as provided by section twenty of chapter fifty-nine of the General Laws, upon the cities and towns named in the following schedule in the proportions set against their respective names:

CITY OR TOWN.	Proportion (Per Cent)
Abington	2.8198
Avon . . . . .	.3547
Barnstable	2.0048
Bourne . . . . .	.8796
Braintree	11.2297
Bridgewater	2.1548
Brockton	9.4098
Carver . . . . .	.1947
Cohasset	1.6944
Duxbury . . . . .	.5047
East Bridgewater . . . . .	.6347
Falmouth	1.5297
Halifax . . . . .	.3296
Hanover . . . . .	.5047
Hanson . . . . .	.7596
Hingham	4.4547
Holbrook . . . . .	.7447
Hull . . . . .	.6898
Kingston	1.3696
Marion . . . . .	.3298
Marshfield . . . . .	.5847
Middleborough	1.8347
Norwell . . . . .	.4899
Pembroke . . . . .	.4547
Plymouth	2.3499
Plympton . . . . .	.0898
Quincy	27.1998
Randolph	3.0198
Rochester . . . . .	.1698
Rockland	1.2398
Sandwich . . . . .	.2247
Scituate	3.6247
Wareham	1.4298
West Bridgewater . . . . .	.5398
Weymouth	11.6947
Whitman	1.8947
Yarmouth . . . . .	.5648
	100.0000

3. In order to pay on its due date each instalment payable by the commonwealth under such contract in the year nineteen hundred and fifty-nine, the state treasurer may borrow, in anticipation of the assessments to be levied upon the cities and towns named in paragraph 2 of this section, such sum as may be necessary to pay such instalment; and he shall repay all sums so borrowed as soon after said assessments are paid as is expedient, but in any event before the close of the calendar year in which the same is borrowed.

SECTION 4. *Old Colony Area Transportation Advisory Council.* — Until July first, nineteen hundred and fifty-nine, there shall be in the Old Colony transportation area a board, to be known as the Old Colony

Area Transportation Advisory Council, consisting of the mayor of each city, and the chairman of the board of selectmen of each town, named in paragraphs 1 and 2 of section three. Each mayor and chairman of a board of selectmen shall have a number of votes in proportion to the amount, exclusive of interest or other charges, paid by his city or town under section three. Every action by said advisory council shall require the affirmative vote of two-thirds of the total number of votes in said council. The advisory council hereby established shall organize by the election of a chairman and secretary.

SECTION 5. *Duties of Advisory Council.* — Said advisory council shall consider, and make to the General Court such recommendations as it may deem expedient with respect to the continuation, after July first, nineteen hundred and fifty-nine, of commuter service to and from the Old Colony transportation area and the city of Boston; shall consider, and give advice upon, such matters as shall be referred to it by the transportation commission aforesaid; and may on its own initiative make to said commission such recommendations as it may deem expedient with respect to any matter within the jurisdiction of said commission.

Approved August 20, 1958.

CHAP. 542. AN ACT MAKING CERTAIN CORRECTIVE AND OTHER CHANGES IN THE UNIFORM COMMERCIAL CODE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make certain corrective and other changes in chapter one hundred and six of the General Laws, as appearing in section one of chapter seven hundred and sixty-five of the acts of nineteen hundred and fifty-seven, which takes effect on October first, nineteen hundred and fifty-eight, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 — 201 of chapter 106 of the General Laws, as appearing in section 1 of chapter 765 of the acts of 1957, is hereby amended by striking out subsection (30) and inserting in place thereof the following subsection: —

(30) "Person" includes an individual or an organization.

SECTION 2. Said section 1 — 201 of said chapter 106, as so appearing, is hereby further amended by striking out subsection (33) and inserting in place thereof the following subsection: —

(33) "Purchaser" means a person or his nominee who takes by purchase.

SECTION 3. Section 2 — 312 of said chapter 106, as so appearing, is hereby amended by adding at the end the following subsection: —

(4) Unless otherwise agreed a seller makes no warranty under subsection (3) with respect to any claim for which the exclusive remedy of the claimant is by action against the United States in the Court of Claims or in the district courts of the United States.

SECTION 4. Subsection (1) of section 2 — 603 of said chapter 106, as so appearing, is hereby amended by striking out, in line 10, the word "idemnity" and inserting in place thereof the word: — indemnity, — so as to read as follows: —

(1) Subject to any security interest in the buyer (subsection (3) of section 2 — 711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

SECTION 5. Said chapter 106 is hereby further amended by striking out section 3 — 104, as so appearing, and inserting in place thereof the following section: —

Section 3 — 104. Form of Negotiable Instruments; "Draft"; "Check"; "Certificate of Deposit"; "Note".

(1) Any writing to be a negotiable instrument within this Article must

(a) be signed by the maker or drawer; and
(b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and

(c) be payable on demand or at a definite time; and

(d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

(a) a "draft" ("bill of exchange") if it is an order;

(b) a "check" if it is a draft drawn on a bank and payable on demand;

(c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;

(d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other Articles of this chapter, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.

SECTION 6. Section 3 — 511 of said chapter 106, as so appearing, is hereby amended by striking out subsection (6) and inserting in place thereof the following subsection: — (6) Where a waiver of presentment, notice or protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only.

SECTION 7. Subparagraph (d) of subsection (1) of section 3 — 601 of said chapter 106, as so appearing, is hereby amended by striking out, in line 1, the word "security" and inserting in place thereof the word: — collateral, — so as to read as follows: —

(d) impairment of right of recourse or of collateral (section 3 — 606); or.

SECTION 8. Subparagraph (b) of subsection (3) of said section 3 — 601 of said chapter 106, as so appearing, is hereby amended by striking out, in line 3, the word "security" and inserting in place thereof the word: — collateral, — so as to read as follows: —

(b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (section 3 — 606).

SECTION 9. Section 8 — 311 of said chapter 106, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word "effective-

ness" and inserting in place thereof the word: — ineffectiveness, — so as to read as follows: —

Section 8 — 311. Effect of Unauthorized Indorsement.

Unless the owner has ratified an unauthorized indorsement or is otherwise precluded from asserting its ineffectiveness.

(a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or reregistered security on registration of transfer; and

(b) an issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (section 8 — 404).

SECTION 10. Subsection (2) of section 9 — 105 of said chapter 106, as so appearing, is hereby amended by striking out, in line 1, the word "apply" and inserting in place thereof the word: — applying, — so as to read as follows: —

(2) Other definitions applying to this Article and the sections in which they appear are:

"Account".	Section 9 — 106.
"Consumer goods".	Section 9 — 109 (1).
"Contract right".	Section 9 — 106.
"Equipment".	Section 9 — 109 (2).
"Farm products".	Section 9 — 109 (3).
"General intangibles".	Section 9 — 106.
"Inventory".	Section 9 — 109 (4).
"Lien creditor".	Section 9 — 301 (3).
"Proceeds".	Section 9 — 306 (1).
"Purchase money security interest".	Section 9 — 107.

SECTION 11. Section 9 — 310 of said chapter 106, as so appearing, is hereby amended by inserting after the word "lien", in line 3, the words: — upon goods in the possession of such person, — so as to read as follows: —

Section 9 — 310. Priority of Certain Liens Arising by Operation of Law.

When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

SECTION 12. Subparagraph (b) of subsection (3) of section 9 — 312 of said chapter 106, as so appearing, is hereby amended by striking out, in line 3, the words "has previously" and inserting in place thereof the words: —, prior to the date of the filing made by the holder of the purchase money security interest, had, — so as to read as follows: —

(b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and.

SECTION 13. Subsection (5) of said section 9 — 312 of said chapter

106, as so appearing, is hereby amended by inserting after the word "section", in line 2, the words: — (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), — so as to read as follows: —

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

(a) in the order of filing if both are perfected by filing, regardless of which security interest attached first under section 9 — 204 (1) and whether it attached before or after filing;

(b) in the order of perfection unless both are perfected by filing, regardless of which security interest attached first under section 9 — 204 (1) and, in the case of a filed security interest, whether it attached before or after filing; and

(c) in the order of attachment under section 9 — 204 (1) so long as neither is perfected.

SECTION 14. Section 9 — 402 of said chapter 106, as so appearing, is hereby amended by striking out subsection (3) and inserting in place thereof the following subsection: —

(3) A form substantially as follows is sufficient to comply with subsection (1):

For Filing Officer Use	
Maturity Date (if any)	File No.
(Last Name First)	Date & Hour of Filing
Name of Debtor	Address
Name(s) of Other Debtor(s) (if any)	Address
.....	Address
Name of Secured Party.....	Address
Name(s) of Other Secured Party or Parties (if any)	Address
.....	Address
.....	Address

1. This financing statement covers the following types (or items) of property:
(Describe)

CHECK [X] THE ITEMS WHICH APPLY

2. [] (If collateral is crops) The above described crops are growing or are to be grown on: (General description of real estate and name of record owner)
3. [] (If collateral is goods which are or are to become fixtures)
The above described goods are affixed or are to be affixed to: (General description of real estate and name of record owner)
4. [] Proceeds of collateral are also covered.
5. [] Products of collateral are also covered.

Signature(s) of Debtor(s)	Signature(s) of Secured Party or Parties
.....
.....
.....

SECTION 15. Subsection (3) of section 9 — 403 of said chapter 106, as so appearing, is hereby amended by striking out the last sentence.

SECTION 16. Subsection (5) of said section 9 — 403 of said chapter 106, as so appearing, is hereby amended by inserting after the word

"statement", in line 2, the words: — or any amendment of either, — so as to read as follows: —

(5) The fee for filing, indexing and furnishing filing data for an original or a continuation statement or any amendment of either shall be three dollars.

SECTION 17. Section 9 — 404 of said chapter 106, as so appearing, is hereby amended by striking out subsection (2) and inserting in place thereof the following subsection: —

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "Terminated", and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

SECTION 18. Section 9 — 407 of said chapter 106, as so appearing, is hereby amended by striking out subsection (2) and inserting in place thereof the following subsection: —

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party named therein. The fee for such a certificate shall be three dollars. Upon request the filing officer shall furnish a copy of any filed financing statement, continuation statement, termination statement, statement of assignment or statement of release for a fee of one dollar and, if such statement consists of more than three pages, an additional fee of fifty cents for the fourth and each succeeding page.

SECTION 19. Said chapter 106 is hereby further amended by inserting after section 9 — 407, as so appearing, the following section: —

Section 9 — 408. Destruction of Old Records.

Unless a filing officer has notice of an action pending relative thereto, he may remove from the files and destroy

(a) a lapsed financing statement, a lapsed continuation statement, a statement of assignment or release relating to either, and any index of any of them, one year or more after lapse; and

(b) a termination statement and the index on which it is noted, one year or more after the filing of the termination statement.

SECTION 20. This act shall take effect on October first, nineteen hundred and fifty-eight.

Approved August 20, 1958.

CHAP. 543. AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN SEWERAGE PROJECTS AND WORKS IN THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS MAY BE UNDERTAKEN AND COMPLETED.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 645 of the acts of 1951 is hereby amended by striking out, in line 10, the word "fifty-eight" and inserting in place thereof the word: — sixty-three.

SECTION 2. Notwithstanding the provisions of section fourteen of chapter twenty-nine of the General Laws and section two of chapter

six hundred and forty-five of the acts of nineteen hundred and fifty-one, and notwithstanding that the authority to expend balances of bonds authorized by chapter seven hundred and five of the acts of nineteen hundred and forty-five, chapter six hundred and six of the acts of nineteen hundred and forty-nine and chapter six hundred and forty-five of the acts of nineteen hundred and fifty-one expired on June thirtieth, nineteen hundred and fifty-eight, the authority to expend the balances of said bond funds and to issue bonds therefor is hereby re-authorized as of July first, nineteen hundred and fifty-eight, and said authorization shall expire on June thirtieth, nineteen hundred and sixty-three.

SECTION 3. This act shall take effect upon its passage.

Approved August 20, 1958.

CHAP. 544. AN ACT RELATIVE TO THE SALARIES OF THE JUSTICES, CLERKS AND ASSISTANT CLERKS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section one B of chapter seven hundred and forty-eight of the acts of nineteen hundred and fifty-five is hereby repealed.

SECTION 2. All persons appointed on or after September first, nineteen hundred and fifty-five, to any of the offices and positions in the municipal court of the city of Boston, referred to in chapter two hundred and eighteen of the General Laws shall be compensated as of the dates of their respective appointments as if the provisions of said section one B of chapter seven hundred and forty-eight of the acts of nineteen hundred and fifty-five had not been included in said chapter seven hundred and forty-eight.

SECTION 3. This act shall not apply to any person appointed between the effective date of this act and January seventh, nineteen hundred and fifty-nine.

SECTION 4. This act shall take effect upon its passage.

Approved August 20, 1958.

CHAP. 545. AN ACT PROVIDING FOR A HIGHER MINIMUM SALARY FOR PUBLIC SCHOOL TEACHERS.

Be it enacted, etc., as follows:

Section 40 of chapter 71 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 447 of the acts of 1957, and inserting in place thereof the following sentence: — The compensation of every teacher employed in any public day school in the commonwealth, except persons in training and those employed as temporary substitutes, shall be at a rate of not less than thirty-six hundred dollars for the school year.

Approved August 25, 1958.

CHAP. 546. AN ACT PROVIDING FOR THE MERGER AND UNION OF THE CONGREGATION OF CHAY ADAM CHURCH, INCORPORATED WITH THE UNITED HOUSE OF ISRAEL, INC., BOTH OF NORTH ADAMS, AND THE TRANSFER OF THE PROPERTY OF SAID CONGREGATION TO THE UNITED HOUSE OF ISRAEL, INC.

Be it enacted, etc., as follows:

SECTION 1. The Congregation of Chay Adam Church, Incorporated, of North Adams, duly organized under the laws of the commonwealth, is hereby authorized to merge in and unite with the United House of Israel, Inc., a corporation so organized, of said North Adams, and said United House of Israel, Inc., shall in all respects be a continuance of, and the lawful successor to, said Congregation of Chay Adam Church, Incorporated, with all the privileges, powers and immunities to which other religious corporations in the commonwealth are entitled.

SECTION 2. Upon said merger and union, the treasurer of said Congregation of Chay Adam Church, Incorporated is hereby authorized to execute and deliver all papers and documents that may be deemed necessary and proper for effecting the transfer of its property of every kind to said United House of Israel, Inc.

SECTION 3. All bequests, devises, conveyances and gifts heretofore or hereafter made to said Congregation of Chay Adam Church, Incorporated, however described, and all the powers and privileges thereof, shall vest in said United House of Israel, Inc., and all trusts heretofore or hereafter vested in any of said corporations shall be preserved inviolate, and all powers relating to such trusts shall have full force and effect in said United House of Israel, Inc., in so far as such authority and right may be granted by statute.

SECTION 4. Whatever right or authority is granted or conferred by this act is hereby declared to be limited to such authority or right as the general court may constitutionally grant or confer, without prejudice to any proceeding that may be instituted in any court of competent jurisdiction to effect the purposes of this act.

SECTION 5. The proceedings and votes of said Congregation of Chay Adam Church, Incorporated, and said United House of Israel, Inc., relating to the merger and union of said churches or synagogues, and acts and doings thereunder, are hereby ratified and confirmed, notwithstanding any informalities, errors or omissions.

SECTION 6. Upon acceptance of this act by a majority of the members of each of said corporations present and voting at meetings duly called for the purpose, certified copies of the respective votes of acceptance, sworn to by the respective clerks or recording officers of said corporations, shall be filed for record in the registry of deeds for the northern district of the county of Berkshire and in the office of the state secretary, and, upon such filing said union and merger shall be complete, and thereupon the persons who are then members of said Congregation of Chay Adam Church, Incorporated shall become members of said United House of Israel, Inc.

SECTION 7. This act shall take effect upon its passage.

Approved August 25, 1958.

CHAP. 547. AN ACT AUTHORIZING THE BUILDING AND MAINTENANCE OF A RADIO BROADCASTING SYSTEM IN THE COUNTY OF BERKSHIRE TO AID IN FIRE PROTECTION.

Be it enacted, etc., as follows:

SECTION 1. Subject to appropriation, the county commissioners of Berkshire county are hereby authorized to expend such sums as may be necessary, not exceeding eight thousand dollars, for the establishment of a radio broadcasting system to aid in the fire protection of said Berkshire county. The broadcasting station and the transmittal tower of said system shall be installed and located in such building and in such area in Berkshire county as the county commissioners and Fire Chiefs Association of said county may designate.

SECTION 2. Said broadcasting system shall be administered and operated by the fire-fighting personnel of such city or town as may be designated by the county commissioners. The cost of their services shall be borne by the city or town so designated.

SECTION 3. Said county commissioners are hereby authorized to expend such other sums as may be necessary, subject to appropriation, for the maintenance and operation of the aforesaid radio broadcasting system other than personnel, and said expenses shall be assessed and collected against the cities and towns of said county in the manner provided by law for the assessment and collection of the county tax.

SECTION 4. Notwithstanding the provisions of section one of this act, no appropriation of funds by the county of Berkshire for the purposes of this act shall be made unless prior approval of the said project is first obtained of the office of defense and civilian mobilization.

SECTION 5. This act shall take effect upon its passage.

Approved August 25, 1958.

CHAP. 548. AN ACT DESIGNATING A CERTAIN PLAYGROUND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE REVEREND WILLIAM F. TOOHIK PLAYGROUND.

Be it enacted, etc., as follows:

The playground and recreational facility to be constructed by the metropolitan district commission on a parcel of land in the Dorchester district of the city of Boston under authority of chapter seven hundred and sixteen of the acts of nineteen hundred and fifty-seven shall upon its completion, be designated as the Reverend William F. Toohig playground.

Approved August 25, 1958.

CHAP. 549. AN ACT RELATIVE TO THE TAXATION OF THE INTEREST OF LESSEES OF THE FEDERAL GOVERNMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 3D of chapter 59 of the General Laws, inserted by section 1 of chapter 690 of the acts of 1956, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Whenever the Congress of the United States has so provided, a leasehold interest in real estate owned and leased by the United

States and in buildings and other things erected thereon or affixed thereto shall be assessed and taxed to the lessee or his assigns to the extent so provided by the Congress.

SECTION 2. The first paragraph of section 11 of said chapter 59, as appearing in section 2 of said chapter 690, is hereby amended by striking out the fourth sentence.

Approved August 25, 1958.

CHAP. 550. AN ACT TO PROVIDE THAT FULL TIME EMPLOYEES OF THE MILITARY DEPARTMENT OF THE COMMONWEALTH WHOSE COMPENSATION IS PAID BY THE UNITED STATES SHALL BE CLASSIFIED IN GROUP 2.

Be it enacted, etc., as follows:

Paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by section 3 of chapter 321 of the acts of 1958, is hereby further amended by striking out the definition of *Group 2* and inserting in place thereof the following definition: —

Group 2. — Members of police and fire departments not classified in *Group 1*, members of the police force of the metropolitan district commission, capitol police, public works building police, permanent watershed guards and permanent park police, employees of the Port of Boston Commission comprising guards, guard sergeants, head guard and chief of waterfront police, conservation officers paid as such, district fire wardens, coastal wardens in the department of natural resources, officials and employees of the registry of motor vehicles having police powers, officials and employees of the department of public safety having police powers, employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees, employees of the General Edward Lawrence Logan International Airport, comprising permanent crash crewmen, fire control man, assistant fire control men, employees whose regular compensation is paid by the United States from funds allocated to the Massachusetts National Guard and who are regularly and permanently employed under the control of the military department of the commonwealth and whose duties in such employment require substantially all normal working hours and whose continued employment is based upon federal recognition in the Massachusetts National Guard, and employees of the commonwealth and of any county, regardless of any official classification, whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners or insane persons or of defective delinquents; provided, that no member who attains age sixty-five while classified in *Group 1* may thereafter be classified in *Group 2*, irrespective of change of employment.

Approved August 25, 1958.

CHAP. 551. AN ACT RELATIVE TO ADDITIONAL TIME OFF OR ADDITIONAL PAY FOR CERTAIN MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF WORCESTER WHO ARE REQUIRED TO WORK ON CERTAIN LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section fifty-seven A of chapter forty-eight of the General Laws to the contrary, if any permanent member of the fire fighting or fire alarm forces of the fire department of the city of Worcester, including the official head and all other officials of said department, is required to serve a tour of duty during the twenty-four hour period commencing at eight o'clock in the morning of January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving Day or Christmas Day, or the day following when any of the five days first mentioned, or October twelfth, November eleventh or Christmas Day, occurs on Sunday, he shall be given an additional day off, or, if such additional day off cannot be given because of personnel shortage or other cause, he shall be entitled to an additional day's pay; provided, that any such member who for any reason works different days in successive weeks shall be granted in each year in which the number of holidays falling on his regular days off is in excess of the number of holidays in such year falling on Saturday, additional days off equal to the excess, and, if any such additional day off cannot be given because of personnel shortage or other cause, an additional day's pay shall be allowed in lieu thereof.

SECTION 2. This act shall take effect upon its acceptance by the affirmative vote of a majority of the city council of the city of Worcester, but not otherwise.

Approved August 25, 1958.

CHAP. 552. AN ACT REGULATING THE CONSTRUCTION OF WAYS OVER, ACROSS OR ALONG HIGH PRESSURE GAS MAINS.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by inserting after section 76A the following section: — *Section 76B.* Any person or municipality laying out or constructing a street, place or way, except a residential driveway, over, across or along a high pressure gas main operating at pressures in excess of two hundred pounds per square inch gauge, shall comply with the provisions of published rules of the department of public utilities governing the construction and maintenance of such pipe lines.

Approved August 25, 1958.

CHAP. 553. AN ACT PROVIDING FOR THE CONSTRUCTION OF A CHILDREN'S PLAY AREA ADJACENT TO VICTORY ROAD IN DORCHESTER.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to construct a children's play area on land adjacent to Victory

road and lying southeast of said road and south of the right-of-way of the New York, New Haven and Hartford Railroad in the Dorchester district of Boston.

Approved August 25, 1958.

CHAP. 554. AN ACT EXEMPTING INTEREST DERIVED FROM DEPOSITS IN CREDIT UNIONS CHARTERED BY THE COMMONWEALTH FROM THE TAXATION OF INCOME FROM CERTAIN INTANGIBLES.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 1 of chapter 62 of the General Laws is hereby amended by striking out paragraph First, as amended by section 1 of chapter 491 of the acts of 1957, and inserting in place thereof the following paragraph: —

First, Deposits in any savings bank chartered by the commonwealth, in any banking company or Morris Plan company subject to the provisions of chapter one hundred and seventy-two A, or in the Massachusetts Hospital Life Insurance Company, or in the savings department of any trust company so chartered or in credit unions chartered by the commonwealth, and deposits in any bank situated in the state of New Hampshire, so long as the provisions of chapter one hundred and eighty-nine of the Public Acts of nineteen hundred and seventeen of that state remain in force, and deposits in any bank in any other state which exempts from taxation to its inhabitants similar deposits, and interest and dividends thereon, owned by such inhabitants in banks in this commonwealth.

SECTION 2. This act shall take effect with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved August 25, 1958.

CHAP. 555. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PAY AVEDIS AND HARRY KOOYOOMJIAN A SUM OF MONEY FOR CERTAIN LAND TAKEN BY EMINENT DOMAIN.

Be it enacted, etc., as follows:

The department of public works is hereby authorized to pay to Avedis Kooyoomjian and Harry Kooyoomjian, of Boston, the sum of ten thousand dollars, from available funds authorized by chapter four hundred and three of the acts of nineteen hundred and fifty-four, in full compensation for certain parcels of land owned by them and described in an order of taking by said department, dated February fifteenth, nineteen hundred and fifty-five, as parcel number 2-6, and in another order of taking by said department, dated January thirty-first, nineteen hundred and fifty-six, as parcels number 6-1; 6-4; and RR-4; which parcels were taken by eminent domain by said department for highway purposes in connection with the construction of the southeast expressway.

No payment shall be made hereunder until there shall have been filed with the comptroller for the commonwealth an agreement signed by said Avedis Kooyoomjian and Harry Kooyoomjian that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this act shall not exceed ten per cent of said sum.

Approved August 25, 1958.

CHAP. 556. AN ACT RELATIVE TO RECREATIONAL PROGRAMS FOR PHYSICALLY HANDICAPPED AND MENTALLY RETARDED PERSONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately help communities establish recreation programs for the physically and mentally handicapped, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by striking out section 29D, inserted by chapter 635 of the acts of 1956, and inserting in place thereof the following section:— *Section 29D.* The department is hereby authorized to co-operate with cities and towns which establish recreation programs for physically handicapped and mentally retarded persons. Such programs shall be under the direction and approval of the division of special education, and the department shall reimburse said cities and towns by paying to them one half the cost thereof, including transportation of such persons to and from the site of such program on each day it is held. The department shall also reimburse a city or town in which such persons are residents, by paying to them one half the cost of the transportation of such persons attending recreation programs at the Walter E. Fernald State School, the Wrentham State School, the Myles Standish State School and the Belchertown State School. Said reimbursements shall be paid out of the proceeds of the tax on income. *Approved August 26, 1958.*

CHAP. 557. AN ACT INCREASING THE MEMBERSHIP OF THE PUBLIC UTILITIES COMMISSION AND PROVIDING THAT ONE OF THE MEMBERS THEREOF SHALL BE A WOMAN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 25 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 727 of the acts of 1956, and inserting in place thereof the following section:— *Section 2.* The department shall be under the supervision and control of a commission consisting of seven members, in this chapter called the commission, one of whom shall be a woman. Upon the expiration of the term of a member, the governor shall, with the advice and consent of the council, appoint his successor for a term of five years. The governor shall designate one of said commissioners as chairman. Not more than four members of said commission shall be members of the same political party. The chairman shall receive such salary not exceeding fourteen thousand dollars, and each of the other commissioners such salary, not exceeding ten thousand five hundred dollars, as the governor and council may determine.

SECTION 2. The governor shall, with the advice and consent of the council, after the effective date of this act, appoint the two additional members as provided for by this act for terms of five years.

SECTION 3. Members of said commission appointed prior to the effective date of this act shall continue to hold office until the expiration of their respective terms.

Approved August 26, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, August 27, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:—I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 557 of the Acts of 1958, entitled "An Act Increasing the Membership of the Public Utilities Commission and Providing That One of the Members Thereof Shall be a Woman" and the enactment of which received my approval on August 26, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would tend to defeat its purpose in that it would delay action on the large number of petitions filed with the Department in connection with serious transportation matters, gas and electrical problems involving atomic energy and other types of fuel related to said services, and other matters over which the department of public utilities has jurisdiction.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 27, 1958.

I, John W. Newman, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and fifteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and fifty-seven of the acts of nineteen hundred and fifty-eight.

JOHN W. NEWMAN,
Deputy Secretary of the Commonwealth.

CHAP. 558. AN ACT MAKING CERTAIN EMPLOYEES OF LOCAL HOUSING AUTHORITIES AND REDEVELOPMENT AUTHORITIES ELIGIBLE FOR CONTRIBUTORY GROUP LIFE, ACCIDENT, HOSPITALIZATION, MEDICAL AND SURGICAL INSURANCE UNDER THE STATE INSURANCE PLAN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 32A of the General Laws is hereby amended by striking out paragraph (b), as most recently amended by chapter 301 of the acts of 1958, and inserting in place thereof the following paragraph:—

(b) "Employee", any person in the service of the commonwealth, which shall include a person who is an employee of a mosquito control project, a local housing authority or a redevelopment authority, whether such person be employed, appointed or elected by popular vote; provided the duties of such person require that his time be devoted to the service of the commonwealth during the regular work week of permanent employees, except that persons elected by popular vote, other than those serving as members of mosquito control projects, local housing authorities and redevelopment authorities, will be considered employees during the entire term for which they are elected regardless of the hours devoted to the service of the commonwealth. By way of illustration but not limitation, a person appointed or elected by popular vote shall include employees of the general court, state officials, constitutional officers and members of the general court, but shall in no event be construed to include members of the judiciary paid in whole or in part from other than state funds, seasonal employees or emergency employees. A determination by the commission that a person is eligible for participation in the plan of insurance shall be final and shall be binding on all parties.

SECTION 2. Paragraph (c) of section 8 of said chapter 32A, as most recently amended by section 2 of chapter 355 of the acts of 1958, is hereby further amended by inserting after the first sentence the following sentence: — Local housing authorities and redevelopment authorities shall reimburse the commonwealth for all contributions made on behalf of their employees.

SECTION 3. Section 2 of chapter 32B of the General Laws is hereby amended by striking out paragraph (g), as appearing in chapter 536 of the acts of 1958, and inserting in place thereof the following paragraph: —

(g) "Political subdivision", any county, city, town or district.

SECTION 4. Section 13 of said chapter 32B, as amended by section 1 of chapter 136 of the acts of 1958, is hereby repealed.

SECTION 5. The provisions of this act shall not apply to employees of local housing authorities and redevelopment authorities who on the effective date of this act are insured under the provisions of chapter thirty-two B of the General Laws until contracts for any such group insurance benefits shall expire. Where such expiration of group insurance benefits may create a disruption of continuity of coverage by occurring prior to the appropriate period for commencement of coverage under the provisions of chapter thirty-two A of the General Laws, such coverage under this act shall become effective on the first day of the month preceding the expiration of the contract.

SECTION 6. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved August 29, 1958.

CHAP. 559. AN ACT AUTHORIZING CITIES AND TOWNS TO GRANT ANNUITIES TO THE SURVIVING SPOUSE, OR CHILDREN, OF CERTAIN OFFICIALS OR EMPLOYEES WHO HAVE BEEN RETIRED OR PENSIONED UNDER ANY NON-CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32 of the General Laws is hereby amended by inserting after section 95 the following section: — *Section 95A.* For the

purpose of promoting the public good, and in consideration of long and meritorious service of any official or employee who has been retired or pensioned under the provisions of any non-contributory retirement law or who was entitled to be retired under the provisions of any such law but who died before being retired under which such official or employee had no rights under the provisions of law relative to said retirement allowance or pension to elect that benefits be paid to a survivor, a city or town may grant an annuity to his surviving spouse, so long as such spouse survives and does not remarry, or, if there is no surviving spouse, to a legal guardian for the benefit of any surviving child who is unmarried and under age eighteen, in such amount as it may determine, but not to exceed one half of the regular annual compensation received by such official or employee or two thousand dollars, whichever is less; provided, that such official or employee had been permanently employed on a full-time basis by such city or town for not less than fifteen years; and provided, further, that such spouse or child is not receiving a retirement allowance or pension under the provisions of any general or special law.

SECTION 2. Section 97 of said chapter 32, inserted by chapter 387 of the acts of 1953, is hereby amended by inserting after the word "ninety-five", in line 2, the words: — , ninety-five A.

SECTION 3. The provisions of section ninety-five A of chapter thirty-two of the General Laws, inserted by section one of this act, shall apply to the spouse or child of any official or employee of a city or town whether or not such official or employee died prior to the effective date of this act.

Approved August 29, 1958.

CHAP. 560. AN ACT AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO IMPROVE DRAINAGE AND RELIEVE FLOOD CONDITIONS IN FURNACE BROOK AND BLACK'S CREEK IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to construct and maintain such works as may be deemed necessary to improve drainage and relieve flood conditions in Furnace Brook and Black's Creek in the city of Quincy, and to expend for such purposes such sums, not exceeding three hundred thousand dollars, as may be appropriated therefor.

SECTION 2. This act shall take effect upon its passage.

Approved August 29, 1958.

CHAP. 561. AN ACT AUTHORIZING THE STATE TREASURER TO ISSUE A NEW CHECK TO THE ESTATE OF JOHN J. MAHONEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-two of chapter twenty-nine of the General Laws, the state treasurer is hereby authorized and directed to issue a new check in lieu of a check dated June first, nineteen hundred and fifty, payable to the estate of John J. Mahoney, late of Boston, in the amount of fifty-six dollars and ninety cents.

SECTION 2. This act shall take effect upon its passage.

Approved August 29, 1958.

CHAP. 562. AN ACT AUTHORIZING RAILROAD CORPORATIONS TO HOLD STOCK IN RAILROAD CAR AND EQUIPMENT COMPANIES.

Be it enacted, etc., as follows:

Chapter 160 of the General Laws is hereby amended by inserting after section 65, as appearing in the Tercenary Edition, the following section:— *Section 65A.* A railroad corporation may hold stock in companies which manufacture, construct, sell, assign, lease, repair, equip, supply, maintain or deal in railroad cars and equipment to an amount not exceeding five per cent of its capital stock outstanding.

Approved August 29, 1958.

CHAP. 563. AN ACT VALIDATING AND CONFIRMING THE LAYING OUT, ALTERATION, RELOCATION, DISCONTINUANCE OR ACCEPTANCE OF PUBLIC WAYS IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

SECTION 1. The laying out, alteration, relocation, discontinuance or acceptance of all highways and other ways from January first, nineteen hundred and thirty to July ninth, nineteen hundred and fifty-eight, inclusive, by the selectmen of the town of Burlington, in so far as such laying out, alteration, relocation, discontinuance or acceptance may be invalid by failure to comply with chapters seventy-nine, eighty and eighty-two of the General Laws, is hereby validated and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved August 29, 1958.

CHAP. 564. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATING TO TRAINING AND EMPLOYMENT OF CADET ENGINEERS IN MUNICIPAL LIGHT AND GAS PLANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 69A of chapter 164 of the General Laws, inserted by chapter 311 of the acts of 1958, is hereby amended by striking out, in line 2, the words "sixty-nine B to sixty-nine E" and inserting in place thereof the words:— sixty-nine C to sixty-nine F,— and by striking out, in line 13, the words "sixty-nine B" and inserting in place thereof the words:— sixty-nine C.

SECTION 2. Clause (h) of section 69B of said chapter 164, as so appearing, is hereby amended by striking out, in line 2, the words "sixty-nine A to sixty-nine E" and inserting in place thereof the words:— sixty-nine B to sixty-nine F.

SECTION 3. The third paragraph of section 69C of said chapter 164, as so appearing, is hereby amended by striking out, in line 6, the words "sixty-nine A to sixty-nine E" and inserting in place thereof the words:— sixty-nine B to sixty-nine F.

SECTION 4. Section 69E of said chapter 164, as so appearing, is hereby amended by striking out, in line 3, the words "sixty-nine A to sixty-nine D" and inserting in place thereof the words:— sixty-nine B to sixty-nine E.

SECTION 5. The numbers of sections 69A to 69E, inclusive, of chapter 164 of the General Laws, inserted by said chapter 311 of the acts of 1958, are hereby respectively changed to 69B to 69F, inclusive.

SECTION 6. This act shall take effect as of the effective date of chapter three hundred and eleven of the acts of nineteen hundred and fifty-eight.

Approved August 29, 1958.

CHAP. 565. AN ACT AUTHORIZING THE CITY OF BOSTON TO PAY A PENSION TO ALPHONSE SIMON.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, from and after the acceptance of this act, the city of Boston, through its retirement board, shall pay, except as otherwise provided in section two, a pension of one thousand dollars a year to Alphonse Simon who is disabled because of excruciating injuries arising out of and in the course of his employment by said city as a temporary auto mechanic in the paving division of its public works department of May eighth, nineteen hundred and forty-six, when he was severely burned by ignited gasoline. From and after the acceptance of this act, no payment on account of said injuries shall be made by said city under chapter one hundred and fifty-two of the General Laws.

SECTION 2. Said Alphonse Simon shall, in the year nineteen hundred and fifty-nine and in each year thereafter before the last day of January, subscribe under the penalties of perjury and file with the Boston retirement board a statement, in such form as said board shall prescribe, certifying the full amount of his earnings from gainful occupation during the preceding year. If such earnings exceed, or when added to his pension in such preceding year exceed, the regular compensation which would have been payable to him in such preceding year had he continued in the service of said city as an auto mechanic, he shall refund his pension for such preceding year or a portion thereof equal to such excess, as the case may be; and until such refund is made, his pension shall be withheld as security therefor in an amount equal to such refund. If said Alphonse Simon fails to subscribe and file before January thirty-first in any year aforesaid the statement prescribed by this section, the Boston retirement board, unless said board finds good cause for such failure, shall withhold his pension as security for any refund which such statement when filed may show to be payable under this section. If said Alphonse Simon files under this section a statement which is erroneous, he shall make such refund as a correct statement would have shown to be payable under this section.

SECTION 3. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved August 29, 1958.

CHAP. 566. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO ACQUIRE CERTAIN LAND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON FOR A RECREATIONAL AREA.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to cause the area known as Patten's Cove adjacent to and westerly of the William T. Morrissey Boulevard in the Dorchester dis-

trict of Boston to be filled and graded and to construct thereon and in the immediate vicinity thereof such facilities for recreation as may be necessary for the establishment of a suitable recreational area at that location; provided, that the recreational area as herein authorized shall not include any part of the land described in Certificate of Title Number 62994, issued by the Land Court and recorded in the Registry of Deeds of the County of Suffolk, or streets or ways abutting on or leading to said land.

Approved August 29, 1958.

CHAP. 567. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain existing appropriations previously made, the sums set forth in section two of this act are hereby made available from the General Fund, to be in addition to amounts at present available for the purposes, subject to the provisions of law regulating the disbursement of public funds and the approval thereof and the conditions pertaining to said items in chapter four hundred and thirty-four of the acts of nineteen hundred and fifty-eight.

SECTION 2.

STATE PURPOSES APPROPRIATIONS.

APPROPRIATIONS MADE FROM THE GENERAL FUND.

Service of the Legislature.

Legislative Research Council.

Item

0104-02 Item 0104-02 of section two of chapter four hundred and thirty-four of the acts of the current year is hereby amended by adding at the end thereof the following:— ; provided, that an amount not exceeding fifteen thousand dollars may be expended from this item for expenses, including entertainment, of the National Legislative Conference to be held in the commonwealth.

Service of the Secretary of the Commonwealth.

0501-02 For the office of the secretary, including not more than seventy-seven permanent positions. \$43,500 00

SECTION 3. This act shall take effect upon its passage.

Approved September 4, 1958.

CHAP. 568. AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO ACQUIRE AND CONVEY CERTAIN LAND IN SOUTHBRIDGE TO THE COMMONWEALTH FOR ARMORY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Sections two and three of chapter seven hundred and forty of the acts of nineteen hundred and fifty-seven are hereby repealed.

SECTION 2. Notwithstanding any other provision of law to the contrary, the town of Southbridge is hereby authorized to raise and appropriate funds necessary to acquire by purchase that tract of land within

said town, bounded and described as follows: Beginning at a Town Bound in the ground, said bound being the southeasterly corner of land of Frank J. & Constance Sinni; thence running South $25^{\circ} 14' 01''$ West for a distance of five hundred (500) feet to a Town Bound in the ground; thence running North $64^{\circ} 45' 59''$ West for a distance of two hundred thirty-six and forty-two hundredths (236.42) feet to a Town Bound in the ground on the Southeasterly side line of Chestnut Street; thence running North $23^{\circ} 08' 58''$ East along the Southeasterly side line of Chestnut Street for a distance of five hundred twelve and five tenths (512.5) feet to a Town Bound in the ground; thence running South $74^{\circ} 19' 02''$ East for a distance of one hundred fifty-one and six tenths (151.6) feet to a Town Bound in the ground; thence running South $22^{\circ} 52' 14''$ West for a distance of thirty-three and seventy-one hundredths (33.71) feet to a Town Bound in the ground; thence running South $64^{\circ} 45' 59''$ East for a distance of one hundred five and sixty-four hundredths (105.64) feet to the Town Bound in the ground at the point of beginning. Reserving as a right of way a northerly portion of the above tract for sewers, drains, etc., described as follows: Beginning at a Town Bound in the ground, said bound marking the southeasterly corner of land of Frank J. & Constance Sinni; thence running South $25^{\circ} 14' 01''$ West for a distance of fifteen (15) feet to a Town Bound in the ground; thence running North $64^{\circ} 45' 59''$ West for a distance of two hundred fifty-four and three tenths (254.3) feet to a Town Bound in the ground on the Southeasterly side line of Chestnut St.; thence running North $23^{\circ} 08' 58''$ East for a distance of twenty-one (21) feet to a Town Bound in the ground; thence running South $74^{\circ} 19' 02''$ East for a distance of one hundred fifty-one and six tenths (151.6) feet to a Town Bound in the ground; thence running South $22^{\circ} 52' 14''$ West for a distance of thirty-three and seventy-one hundredths (33.71) feet to a Town Bound in the ground; thence running South $64^{\circ} 45' 59''$ East for a distance of one hundred five and sixty-four hundredths (105.64) feet to the Town Bound in the ground at the point of beginning. After acquisition of the above described tract said town of Southbridge is hereby authorized to convey the same without consideration, to the commonwealth for armory purposes. The armory commission is hereby authorized to accept said tract of land in the name and behalf of the commonwealth.

SECTION 3. After the conveyance as authorized in section two of this act has been made, the care and control of the tract of land conveyed shall be vested in the military division of the executive department of the commonwealth.

SECTION 4. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting at a special town meeting called for the purpose. *Approved September 5, 1958.*

CHAP. 569. AN ACT VALIDATING CERTAIN PROCEEDINGS OF FRONTIER REGIONAL SCHOOL DISTRICT AND RELATING TO THE ISSUE OF BONDS THEREUNDER.

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the regional district school committee of the Frontier Regional School District at its meeting held on July twenty-second, nineteen hundred and fifty-eight, including without

limitation the authorization of the issuance of bonds in the amount of sixty thousand dollars are hereby validated. Any notice of such authorization sent to the selectmen of the member towns of said regional school district in accordance with the vote of said meeting is hereby validated.

SECTION 2. This act shall take effect upon its passage.

Approved September 8, 1958.

CHAP. 570. AN ACT AUTHORIZING THE CONSTRUCTION AND MAINTENANCE OF A TRAINING SCHOOL FOR FIRE FIGHTERS IN THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. The county of Barnstable may construct and maintain a school for the training of fire fighters and other residents of said county who are interested in becoming fire fighters. Said school shall be under the direction of the county commissioners of said county and shall provide instruction in fire fighting and fire prevention and such other instruction as may be considered necessary by said commissioners for the training of fire fighters. For the purpose of this act the county commissioners of said county may expend a sum not to exceed forty thousand dollars.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in each city and town in Barnstable county at the biennial state election in the year nineteen hundred and fifty-eight the following question: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act authorizing the construction and maintenance of a training school for fire fighters in the county of Barnstable', be accepted?" If a majority of the votes cast in said county in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

SECTION 3. Section two of this act shall take effect upon its passage.

Approved September 8, 1958.

CHAP. 571. AN ACT PROVIDING TENURE FOR CERTAIN EMPLOYEES OF THE STATE HOUSING BOARD.

Be it enacted, etc., as follows:

The second paragraph of section 26S of chapter 121 of the General Laws, as appearing in section 1 of chapter 574 of the acts of 1946, is hereby amended by inserting after the word "authority", in lines 4 and 5, the words: — ; provided, however, that no employee of the state housing board who has held his office or position, including any promotion or reallocation therefrom within the board, for a total period of five years of uninterrupted service shall be involuntarily separated therefrom except subject to and in accordance with the provisions of sections forty-three and forty-five of said chapter thirty-one to the same extent as if said office or position were classified under said chapter.

Approved September 8, 1958.

CHAP. 572. AN ACT EXTENDING THE TIME FOR FILING APPLICATIONS FOR RELOCATION HOUSING AND MAKING CERTAIN PERFECTING CHANGES IN THE PROVISIONS OF LAW RELATIVE TO STATE FINANCIAL ASSISTANCE THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 26RR of chapter 121 of the General Laws, as appearing in section 6 of chapter 617 of the acts of 1952, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — For the purpose of avoiding, so far as practicable, during the period of public exigency, emergency and distress now existing on account of the acute shortage of housing in many cities and towns of the commonwealth, the making of persons or families homeless as the result of the demolition of dwelling units on land acquired or to be acquired for the purposes of a land assembly and redevelopment project, an urban renewal project, or any other public improvement by the commonwealth, a city or town, or any other public body, the commonwealth acting by and through the board may enter into a contract or contracts with a housing authority, or in the event a redevelopment authority exists within a city or town with a housing authority upon request of a redevelopment authority, for state financial assistance in the form of a guarantee by the commonwealth of notes and/or bonds, of the housing authority issued to finance the cost of a relocation project or projects.

SECTION 2. The third paragraph of said section 26RR of said chapter 121, as amended by section 20 of chapter 647 of the acts of 1953, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The provisions of sections twenty-six L to twenty-six PP, except sections twenty-six FF and twenty-six GG, shall, as far as apt, be applicable to projects developed under this section and to housing authorities while engaged in developing and administering such projects; provided, that whenever the phrase, "federal legislation" is used in said sections twenty-six L to twenty-six PP it shall also include legislation in respect to a relocation project under this section; and provided, further, that the limitations on the powers of a housing authority with respect to "families of low income" found in sections twenty-six P and twenty-six FF shall not apply to relocation projects; and provided, further, that the provisions of the last sentence of the fifth paragraph of section twenty-six NN shall not apply to relocation projects but any application for state financial assistance for any such project may be accepted by the board if such application shall have been received by such board prior to January first, nineteen hundred and sixty-five. *Approved September 8, 1958.*

CHAP. 573. AN ACT REMOVING THE RESTRICTION ON THE NUMBER OF TRUSTEES AUTHORIZED FOR SMITH COLLEGE.

Be it enacted, etc., as follows:

Section 1 of chapter 71 of the acts of 1871 is hereby amended by striking out, in lines 22 and 23, the words " : provided, nevertheless, that the number of trustees shall never be greater than fifteen."

Approved September 8, 1958.

CHAP. 574. AN ACT LIMITING THE AMOUNT OF CHARGE FOR INSURANCE ON THE LIFE OF A BORROWER WHICH A LENDER MAY PASS ON TO SAID BORROWER.

Be it enacted, etc., as follows:

Section 134 of chapter 175 of the General Laws is hereby amended by striking out the last paragraph, as appearing in section 4 of chapter 404 of the acts of 1951, and inserting in place thereof the following paragraph:—

In case the charge for insurance on the life of a borrower under a policy issued under subdivision (c) of section one hundred and thirty-three is paid by him to the creditor, such payment may be made from the proceeds of the loan or otherwise and shall not be deemed to constitute a charge upon a loan in violation of sections ninety-six to one hundred and fourteen A, inclusive, of chapter one hundred and forty, if the creditor charges the borrower for such insurance coverage not more than (1) fifty cents per one hundred dollars per year of the original loan and charges precomputed or to be earned; or (2) seven and one half cents per month per one hundred dollars of outstanding indebtedness, and proportionately at such rates for greater or lesser periods and for greater or lesser amounts of such life insurance coverage, regardless of the cost of such insurance to the creditor. In the event of prepayment of the loan there shall be a refund of the charge for such insurance computed on the same basis as is used for a precomputation refund under the provisions of section one hundred of said chapter one hundred and forty.

Approved September 8, 1958.

CHAP. 575. AN ACT PROVIDING THAT CERTAIN ANNUITY CONSIDERATIONS SHALL BE EXEMPT IN THE TAXATION OF LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 20 of chapter 63 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 531 of the acts of 1943, and inserting in place thereof the following paragraph:—

The word “premiums” as used in this section shall include all amounts received as consideration for life insurance policies without deduction for amounts paid to other companies for reinsurance and shall include dividends applied to purchase additional insurance or to shorten the premium paying period. In the case of domestic life insurance companies only, it shall include amounts received as consideration for annuity contracts; provided, however, that such amounts shall not be deemed to be allocable to this commonwealth if the annuitant at the time of payment thereof is a resident of a state or country to which such company actually pays an excise based upon life insurance premiums whether or not such company pays thereto an excise tax based upon annuity considerations. In determining the amount of the excise payable hereunder there shall be deducted, to the extent that they are properly allocable to premiums taxable hereunder, (a) all premiums returned to policyholders during said preceding calendar year but not

including cash surrender values, and (b) dividends which during said year have been paid or credited to policyholders or applied to purchase additional insurance or to shorten the premium paying period.

Approved September 22, 1958.

CHAP. 576. AN ACT ELIMINATING AN INEQUITY IN THE INCOME TAX LAW WITH RESPECT TO THE BASIS OF PROPERTY ACQUIRED FROM A DECEDENT.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 62 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 152 of the acts of 1958, and inserting in place thereof the following paragraph: —

In computing gains or losses from the sale or exchange of capital assets, the basis of property owned on January first, nineteen hundred and sixteen, shall be the fair market value on that date or the cost or other basis thereof, whichever is higher. The basis for computing gain or loss from the sale or exchange of property acquired after January first, nineteen hundred and sixteen, shall be determined as follows: — (a) the basis of property acquired by purchase shall be the cost thereof; (b) except as provided in subsection (d), the basis of property acquired by gift prior to July first, nineteen hundred and fifty-four, shall be the fair market value on the date acquired; (c) except as provided in subsection (d), the basis of property acquired by gift after June thirtieth, nineteen hundred and fifty-four, shall be the basis to the donor or the last preceding owner by whom it was not acquired by gift, or the fair market value at the date of the gift, whichever is lower; (d) the basis of property acquired by gift shall, from and after the death of the donor, be the fair market value of the property at the date of such death if such property was subject to the inheritance tax imposed by section one of chapter sixty-five, or would have been subject to such tax if it had been real estate or tangible personal property within the commonwealth of a value exceeding the exemptions provided in said section; (e) the basis of property acquired by bequest, devise or inheritance shall be the fair market value of the property at the date of the decedent's death; (f) the basis of property acquired as a dividend not paid in liquidation from a corporation, association or trust, the beneficial interest in which is represented by transferable shares, shall be the value at which such property was reportable as income; (g) the basis of property acquired upon the liquidation, in whole or in part, of a corporation, association or trust, the beneficial interest in which is represented by transferable shares, shall be the fair market value of the property on the date it was acquired; (h) the basis of stock acquired as a non-taxable dividend, hereafter called new stock, shall be obtained by multiplying the basis of the stock on which such dividend was paid, hereafter called old stock, by a fraction whose numerator is the fair market value of the new stock when acquired, and whose denominator is the fair market value of both the old and the new stock when acquired; (i) the basis of rights to purchase securities acquired as a distribution shall be zero; (j) the basis of property acquired in a non-taxable exchange shall be the basis of the

property exchanged therefor; and (k) the basis of property acquired in a taxable exchange shall be the fair market value of the property at the time of the exchange.

SECTION 2. The third paragraph of said section 7 of said chapter 62, as so appearing, is hereby amended by striking out, in line 4, the letter (g) and inserting in place thereof the letter (h).

SECTION 3. This act shall take effect with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-eight.

Approved September 22, 1958.

CHAP. 577. AN ACT CREATING AN OBSCENE LITERATURE CONTROL COMMISSION TO ASSIST THE ATTORNEY GENERAL IN PREVENTING THE SALE OF OBSCENE OR OTHER PROHIBITED LITERATURE.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws is hereby amended by inserting after the word "commission", in lines 16 and 17, as appearing in section 1 of chapter 623 of the acts of 1957, the words: — , the obscene literature control commission.

SECTION 2. Said chapter 6 is hereby further amended by adding at the end the following section: — *Section 101.* There shall be an obscene literature control commission consisting of seven members, of whom one shall be an educator, one a representative of the Protestant faith, one a representative of the Catholic faith and one a representative of the Jewish faith, to be appointed by the governor, with the advice and consent of the council, for terms of five years. The governor shall in like manner fill any vacancy for the unexpired term. The members shall serve without compensation, but shall be reimbursed for all traveling expenses incurred by them in the administration of their duties. Said commission shall, in order to facilitate the enforcement of sections twenty-eight to thirty-two, inclusive, of chapter two hundred and seventy-two, recommend to the attorney general, whenever it appears that a violation of the provisions of said sections has occurred, that appropriate action be taken thereunder. Said commission shall be provided with suitable quarters in the state house or elsewhere, and the attorney general shall provide secretarial, clerical and such other services as he deems necessary to carry out the purposes of this section. Said commission shall meet at least once a month, except that any such meeting may be omitted by a two-thirds' vote of those present and voting at the preceding meeting. Not more than fifteen meetings shall be held in any year.

SECTION 3. Of the members first appointed to the obscene literature control commission established under section one hundred and one of chapter six of the General Laws, inserted by section two of this act, two shall be appointed for terms of one year, two for terms of two years, two for terms of three years, and one for a term of four years. Upon the expiration of the term of any such member his successor shall be appointed for a term of five years, subject to the provisions of said section one hundred and one of said chapter six.

Approved September 22, 1958.

CHAP. 578. AN ACT MAKING CERTAIN TEMPORARY TEACHERS EMPLOYED IN THE SCHOOL DEPARTMENT OF THE CITY OF BOSTON MEMBERS OF THE STATE-BOSTON RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (d) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by section 2 of chapter 667 of the acts of 1947, is hereby further amended by adding at the end the words: — ; and provided further, that any teacher employed in the school department of the city of Boston on a provisional, temporary, temporary provisional or similar basis shall, upon the completion of a school year of service in the public schools of said city, become a member in service of the State-Boston retirement system if then under sixty years of age. For the purposes of this paragraph, a school year of service shall be deemed to have been completed upon the termination of a school year in which the teacher, while holding a certificate granted by the board of education under section thirty-eight G of chapter seventy-one or while exempt from the provisions of said section because of employment as a teacher in the service of said city prior to the effective date of said section thirty-eight G, has actually performed teaching duties on more than one hundred and twenty school days, whether or not consecutive, in such school year.

SECTION 2. This act shall apply only to teachers employed in the school department of the city of Boston on or after September first in the current year; but service prior to said date shall be included in determining the eligibility of any such teacher for membership in the State-Boston retirement system.

Approved September 22, 1958.

CHAP. 579. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO PAY A DEATH BENEFIT TO ANGELINA LEMME, THE WIDOW OF JOHN LUCIANO LEMME, A DECEASED EMPLOYEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of law to the contrary and for the purpose of promoting the public good, the city of Springfield is hereby authorized to appropriate and pay the sum of two thousand dollars to Angelina Lemme, the widow of John Luciano Lemme, a former employee of the said city, who died on May sixteenth, nineteen hundred and fifty-eight, just as though a certain contract for group insurance covering employees of said city then in effect at the time of his said death had been valid.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city subject to the provisions of its charter, but not otherwise.

Approved September 22, 1958.

CHAP. 580. AN ACT PROVIDING FOR CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF A FREE PUBLIC LIBRARY MAINTAINED IN A CITY OR TOWN.

Be it enacted, etc., as follows:

Section 2 of chapter 32B of the General Laws, as most recently amended by chapter 536 of the acts of 1958, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:—

(d) "Employee", any person in the service of a governmental unit or whose services are divided between two or more governmental units or between a governmental unit and the commonwealth, and who receives compensation for such service or services, whether such person be employed, appointed or elected by popular vote, and any employee of a free public library maintained in a city or town to the support of which said city or town annually contributes not less than one half of the cost; provided, the duties of such person require no less than twenty hours, regularly, in the service of the governmental unit during the regular work week of permanent or temporary employment, and provided, further that no seasonal employee or emergency employees shall be included; except that persons elected by popular vote may be considered eligible employees during the entire term for which they are elected regardless of the number of hours devoted to the service of the governmental unit. If an employee's services are divided between governmental units, the employee shall, for the purposes of this chapter, be considered an employee of the governmental unit which pays more than fifty per cent of his salary. But, if no one of said governmental units pays more than fifty per cent of said employee's salary, the governmental unit paying the largest share of the salary shall consider the employee as its own for membership purposes, and said governmental unit shall contribute fifty per cent of the cost of the premium. If the payment of an employee's salary is equally divided between governmental units, the governmental unit having the larger or largest population shall contribute fifty per cent of the cost of the premium. If an employee's salary is divided in any manner between a governmental unit and the commonwealth, the governmental unit shall contribute fifty per cent of the cost of the premium. An employee eligible for coverage under the provisions of this chapter shall not be eligible for coverage as an employee under the provisions of chapter thirty-two A. A determination by the appropriate public authority that a person is eligible for participation in the plan of insurance shall be final.

Approved September 22, 1958.

CHAP. 581. AN ACT AUTHORIZING THE TRUSTEES OF THE ESSEX COUNTY AGRICULTURAL SCHOOL TO HAVE PLANS AND SPECIFICATIONS PREPARED FOR A VOCATIONAL-TECHNICAL SCHOOL TO BE USED MORE PARTICULARLY FOR TRAINING IN THE THIRTEENTH AND FOURTEENTH GRADE LEVELS, A PHYSICAL EDUCATION BUILDING AND FOR REMODELLING AND EXTENDING ITS PRESENT HEATING FACILITIES, AT A TOTAL COST NOT TO EXCEED ONE MILLION, TWO HUNDRED THOUSAND DOLLARS AND TO EXPEND THE SUM OF FIFTY THOUSAND DOLLARS FOR SAID PLANS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing a vocational-technical school building to be used more particularly for training in the thirteenth and fourteenth grade levels, a physical education building, and remodeling and extending the present heating facilities at a total cost not to exceed one million, two hundred thousand dollars, the trustees of the Essex county agricultural school are hereby authorized and directed to cause plans and specifications to be prepared. For said purposes, the county commissioners of Essex county may, from time to time, borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate, fifty thousand dollars, and may issue bonds or notes of the county therefor. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than two years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. This act shall be submitted to the voters of Essex county at the biennial state election in the current year in the form of the following question, which shall be placed upon the official ballot to be used in said county at said election: — "Shall an act passed by the General Court in the year nineteen hundred and fifty-eight, entitled 'An Act authorizing the trustees of the Essex county agricultural school to have plans and specifications prepared for a vocational-technical school to be used more particularly for training in the thirteenth and fourteenth grade levels, a physical education building and for remodeling and extending its present heating facilities, at a total cost not to exceed one million, two hundred thousand dollars and to expend the sum of fifty thousand dollars for said plans', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take full effect, but not otherwise.

SECTION 3. Section two of this act shall take effect upon its passage.

Approved September 26, 1958.

CHAP. 582. AN ACT AUTHORIZING AGENTS AND EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER UPON PRIVATE PROPERTY FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS AND DRILLINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to facilitate and expedite the procedures entailed in eminent domain proceedings and insure adequate and just compensation for damages arising out of such proceedings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 81 of the General Laws is hereby amended by inserting after section 7E the following section: — *Section 7F*. Whenever the department deems it necessary to make surveys, soundings, drillings or examinations to obtain information for or to expedite the construction of state highways or other projects under its jurisdiction, the department, its authorized agents or employees may, after due notice by registered mail, enter upon any lands, waters and premises, not including buildings, in the commonwealth for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The department shall make reimbursement for any injury or actual damage resulting to such lands, waters and premises caused by any act of its authorized agents or employees and shall so far as possible restore such lands to the same condition as prior to the making of such surveys, soundings, drillings or examinations.

Approved September 26, 1958.

CHAP. 583. AN ACT AUTHORIZING THE EMPLOYMENT OF CERTAIN TEMPORARY LABORERS AND CHAUFFEURS BY THE STATE AIRPORT MANAGEMENT BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain temporary personnel available for the speedy clearing of snow from the airports of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 31 of the General Laws is hereby amended by striking out the paragraph appearing in chapter 294 of the acts of 1956 and inserting in place thereof the following paragraph: —

The labor service of the state department of public works and the state airport management board except: (1) Laborers and chauffeurs employed between October thirty-first and April fifteenth to be used in connection with the removal of snow and the sanding of slippery surfaces with the incidental work thereto on the highways and airports of the commonwealth, such employment in each case not to exceed a total of ninety days within that period, and such employees shall not be used to do work performed by regular employees when available and

able to perform the work satisfactorily; (2) Such temporary employees as required during and following a disaster or period of extreme danger when and as authorized by the governor but not to exceed ninety days. Preference shall be given to veterans in making appointments and employing persons under the provisions of clauses (1) and (2) of this paragraph.

SECTION 2. Said section 4 of said chapter 31 is hereby further amended by striking out the paragraph added by section 1 of chapter 765 of the acts of 1949.

Approved September 26, 1958.

CHAP. 584. AN ACT RELATIVE TO MEMBERSHIP OF THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS, AND REGULATING THE PRACTICE OF PROFESSIONAL ENGINEERING AND OF LAND SURVEYING.

Be it enacted, etc., as follows:

SECTION 1. Section 45 of chapter 13 of the General Laws is hereby amended by striking out the first four sentences, as appearing in chapter 646 of the acts of 1955, and inserting in place thereof the following four sentences:— There shall be a board of registration of professional engineers and of land surveyors, in this section and in sections forty-six and forty-seven called the board, consisting of six registered professional engineers, citizens of the United States and residents of the commonwealth, appointed by the governor, with the advice and consent of the council. Of the members of said board one shall be a civil engineer, one shall be a mechanical engineer, one shall be an electrical engineer, one shall be a mining or metallurgical engineer, one shall be a chemical engineer and one shall be both a civil engineer and a registered land surveyor. Each member of the board except the member who is both a civil engineer and a registered land surveyor shall have been actively engaged in the practice of engineering for at least twelve years, and shall have been in responsible charge of important engineering work or in engineering teaching, or both, for at least five years. The member of the board who is both a civil engineer and a registered land surveyor shall have been actively and principally engaged in the practice of land surveying for at least twelve years, and shall have been in responsible charge of land surveying work for at least five years.

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking out section 81D, as appearing in section 9A of chapter 722 of the acts of 1941, and inserting in place thereof the following section:— *Section 81D.* The following words and phrases as used in sections eighty-one D to eighty-one T, inclusive, hereinafter referred to as said sections, shall, unless the context otherwise requires, have the following meanings:—

“Board”, the board of registration of professional engineers and of land surveyors, established by section forty-five of chapter thirteen.

“Professional engineer”, a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design acquired by professional education and practical experience, is qualified to practice engineering, as attested by his registration as a professional engineer; provided, however, that registration as a professional engineer shall not qualify

a person to practice as an engineer licensed under chapter one hundred and forty-six.

“Practice of engineering”, any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, but it shall not include the practice of architecture, as defined in section sixty A, except that a registered professional engineer may do such architectural work as is incidental to his work.

A person shall be construed to practice or to offer to practice engineering who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by persons who operate, maintain or install machinery or equipment.

“Land surveyor”, a person who engages in the practice of land surveying.

“Land surveying”, the surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

SECTION 3. Said chapter 112 is hereby further amended by striking out section 81E and inserting in place thereof the following section: — *Section 81E.* The board shall examine applicants for registration as professional engineers and as land surveyors and applicants for certification as engineers-in-training. It shall make such rules and regulations as are necessary or proper for the conduct of its duties. The board may adopt and shall use an official seal.

If any person, firm, co-partnership, corporation or joint stock association refuses to obey any decision, rule or order, or any part thereof, issued by the board pursuant to its powers, the attorney general of the commonwealth shall, upon request of the board, file a petition in equity for the enforcement of such decision, rule or order in the superior court for Suffolk county or for the county in which such person, firm, co-partnership, corporation or joint stock association resides or has a place of business. After due hearing, with such notice as the court may direct, the court shall order the enforcement of such decision, rule or order, or any part thereof, to the extent that such decision, rule or order, or any part thereof, has been legally and properly made by the board.

The board, for the purposes of registration of professional engineers, shall recognize all the fundamental branches of engineering which shall include, without limiting the generality thereof by specific enumeration, the following fields: — aeronautical, chemical, civil, electrical, heating

and ventilating, industrial, mechanical, metallurgical, mining, safety, fire protection, sanitary and structural.

SECTION 4. Said chapter 112 is hereby further amended by striking out section 81J and inserting in place thereof the following section:—
Section 81J. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a professional engineer, or for certification as an engineer-in-training, or for registration as a land surveyor, respectively, to wit:—

(1) As a professional engineer:—

(a) Graduation from a college or university authorized by the general court to grant degrees of bachelor of science in engineering or the equivalent, or graduation from an engineering curriculum of four years or more accredited by Engineers Council for Professional Development in a school or college approved by the board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice professional engineering; or

(b) Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice professional engineering; or

(c) A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the board and indicating that the applicant is qualified to design or to supervise construction of engineering works; provided, that the applicant shall be not less than thirty-five years of age.

In counting years of experience under (1) (a), the board may give credit, but not in excess of one year, for satisfactory graduate study in engineering.

(2) As an engineer-in-training:—

(a) Graduation in an accredited engineering curriculum of four scholastic years or more from a school or college approved by the board as of satisfactory standing, and successfully passing a written examination in the basic engineering subject; or

(b) A specific record of four years or more of experience in engineering work of a character satisfactory to the board, and successfully passing a written examination in the basic engineering subjects.

(3) As a land surveyor:—

(a) Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, and an additional two years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(b) A specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and successfully passing a written, or written and oral, examination in surveying prescribed by the board; or

(c) A specific record of ten years or more of lawful practice in land surveying work of a character satisfactory to the board, provided the applicant is not less than thirty years of age.

No person shall be eligible for registration as a professional engineer or land surveyor, or for certification as an engineer-in-training, who is not of good character and reputation. In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience under clauses (1) (b) and (3) (b) of this section. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of such experience; provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be the practice of engineering.

The fact that an applicant for registration by the board is not at the time of application practicing his profession shall not of itself make him ineligible for such registration.

SECTION 5. Said chapter 112 is hereby further amended by striking out section 81K and inserting in place thereof the following section: —

Section 81K. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be professional engineers having personal knowledge of the applicant's engineering or surveying experience.

The registration fee for professional engineers shall be twenty-five dollars, fifteen dollars of which shall accompany the application, the remaining ten dollars to be paid upon the issuance of a certificate; provided, that when a certificate of qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification the total fee for registration as a professional engineer shall be ten dollars. The fee for engineers-in-training shall be ten dollars which shall accompany the application and shall include the cost of examination and the issuance of a certificate. When registration as a professional engineer is completed by an engineer-in-training, an additional fee of fifteen dollars shall be paid before the issuance of a certificate as a professional engineer. The registration fee for land surveyors shall be fifteen dollars, which shall accompany the application.

If in the opinion of the board any applicant is ineligible to receive a certificate of registration no part of the fee accompanying his application shall be refunded to him.

SECTION 6. Section 81L of said chapter 112 is hereby amended by inserting after the first paragraph the following paragraph: —

The board shall issue to each applicant who passes the examination in fundamental engineering subjects a certificate stating that he has passed such examination and that his name has been recorded as an engineer-in-training.

SECTION 7. Said chapter 112 is hereby further amended by striking out section 81M and inserting in place thereof the following section: —

Section 81M. The board shall issue a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of said sections. In the case of a registered professional engineer, the certificate shall authorize the practice of engineering. In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an engineer-in-training. In the case of a registered land surveyor, the certificate shall authorize the practice of land surveying. Certificates of registration and certificates as engineer-in-training shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the board and be under seal of the board.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or of a registered land surveyor, as the case may be, while such certificate remains unrevoked or unexpired.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer" or "Registered Land Surveyor". Plans, specifications, plats and reports prepared by a registrant shall be stamped with the said seal when filed with public authorities, while the registrant's certificate is in force, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

SECTION 8. Section 81P of said chapter 112 is hereby amended by inserting after the second paragraph the following paragraph: —

The board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance, and may require the production of books, papers and documents in any case involving the revocation of registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena so issued, or refuses to testify or produce such books, papers and documents, the board may present a petition to the superior court, setting forth the facts, and thereupon the superior court shall, after a hearing and in its discretion, order such person to appear before said board and to testify or to produce such books, papers and documents as may be deemed necessary and pertinent. Any person failing or refusing to obey the order of said court may be proceeded against in the same manner as for refusal to obey any other order of said court.

SECTION 9. Said chapter 112 is hereby further amended by striking out section 81R and inserting in place thereof the following section: —
Section 81R. Nothing in said sections shall be construed to prevent or to affect: —

(a) the practice of any other legally recognized profession including the practice of architecture as defined in this chapter and the practice of any trade, including, in connection with the practice of the electrical, plumbing, heating, ventilating, air conditioning, refrigeration and all other trades, the preparation of plans, specifications or shop drawings by any person, firm, partnership, corporation or association practicing

any such trade, for work to be installed or being installed by the same person, firm, partnership, corporation or association preparing such plans, specifications or shop drawings;

(b) a person not a resident of and having no established place of business in the commonwealth from practicing or offering to practice therein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in said sections;

(c) a person not a resident of and having no established place of business in the commonwealth or who has recently become a resident thereof, from practicing or offering to practice engineering or land surveying therein for more than thirty days in any calendar year, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by said sections; provided, that such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in said sections. Such practice shall continue only for such time as the board requires for the consideration of the application for registration;

(d) the work of an employee or a subordinate of a person holding a certificate of registration under said sections, an employee of a person practicing lawfully under clause (b) or (c) of this section, or an employee of a firm, co-partnership, corporation or joint stock association engaging lawfully under clause (f) of this section; provided, such work does not include final designs or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under said sections or a person practicing lawfully under clause (b) or (c) of this section;

(e) the practice of officers and employees of the government of the United States while engaged within the commonwealth in the practice of engineering or land surveying for said government;

(f) the practice of engineering or land surveying in the commonwealth by a firm, co-partnership, corporation or joint stock association; provided, that the person in charge of such practice by such firm, co-partnership, corporation or joint stock association is a professional engineer or land surveyor, holding a certificate of registration under said sections;

(g) the performance of engineering work or services by employees of a corporation engaged in manufacturing, research or development operations, which work or services are performed in connection with the research or development activities of, or the manufacture, sale, installation, maintenance, repair or service of the products of, such corporation, or of its parents, affiliates or subsidiaries; provided, that such research or development activities which are not related to the manufacture, sale, installation, maintenance, repair or service of the products of such corporation, or of its parents, affiliates or subsidiaries, are not primarily in connection with the construction of fixed works which are to be made available for use by the general public;

(h) the practice of landscape architects, city planners and regional

planners, in so far as their work consists in the consultations and preparation of master plans of parks, land areas, sites, organized groups of buildings or communities, or the preparation of detailed plans and the supervision of planting, grading, paving, and such structural features as fences, steps, walls, minor pools, garden structures and minor utilities normally included as part of their work;

(i) sales personnel from recommending applications to specific uses of products for which they act as sales representatives;

(j) the performance of engineering work or services by any person employed by an insurance company or by its agents, its affiliates or subsidiaries, or the performance of engineering work or services for insurance inspection and actuarial bureaus, provided such work or services in either case are incidental to the operation of an insurance company;

(k) the work of an owner or managing agent of a building or any employee of such owner or agent making alterations or repairs to such building or supervising the same, or of a person engaged by such owner or agent to perform work of any other legally recognized trade exempted under clause (a) of this section;

(l) the performance of engineering work and services by a person, firm or corporation subject to the jurisdiction of the department of public utilities which work and services are performed as part of their employment and for the benefit of such person, firm, or corporation; or

(m) the performance of engineering work and services by employees of the Metropolitan Transit Authority which work and services are performed as part of their employment and for the benefit of the said authority.

SECTION 10. Said chapter 112 is hereby further amended by striking out section 81T and inserting in place thereof the following section: — *Section 81T.* Whoever practices or offers to practice engineering or land surveying in the commonwealth without being registered in accordance with the provisions of this chapter, or presents or attempts to use as his own the certificate of registration or the seal of another, or gives any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or falsely impersonates any registrant, or attempts to use an expired or revoked certificate of registration, or violates any of the provisions of sections eighty-one D to eighty-one S, inclusive, shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment in a jail or house of correction for a period not exceeding three months, or both.

It shall be the duty of the attorney general or the district attorney for the district in which the alleged violation was committed to enforce the provisions of this section and sections eighty-one D to eighty-one S, inclusive, and to prosecute any person violating the same. The attorney general or his assistant shall act as legal advisor of the board and render such legal assistance as may be necessary in carrying out the provisions of said sections.

SECTION 11. At any time within one year after June first, nineteen hundred and fifty-eight, upon due application therefor and the payment of the registration fee of fifteen dollars for professional engineers or ten dollars for land surveyors, the board of registration of professional en-

gineers and of land surveyors shall issue a certificate of registration, without oral or written examination, to any professional engineer or land surveyor who shall submit evidence under oath satisfactory to said board that he is of good character, has been a resident of the commonwealth for at least one year immediately preceding the date of his application, and was practicing engineering if a professional engineer or land surveying if a land surveyor, on June first, nineteen hundred and fifty-eight, and in the case of a professional engineer, has performed work of a character satisfactory to the board.

An employee of the commonwealth or of any political subdivision thereof who is employed on or before December thirty-first, nineteen hundred and fifty-eight, under civil service status as a permanent "junior civil or other engineer" or higher grade, as defined in Class 27 of the civil service rules, upon application therefor on or before December thirty-first, nineteen hundred and fifty-nine, and upon payment of a registration fee of fifteen dollars for professional engineers, shall receive from the board a certificate of registration as a professional engineer, without oral or written examination.

An employee of the commonwealth or of any political subdivision thereof who is employed on or before December thirty-first, nineteen hundred and fifty-eight, under civil service status as a permanent "junior civil engineer" or higher grade, as defined in Class 27 of the civil service rules, upon application therefor on or before December thirty-first, nineteen hundred and fifty-nine, and upon payment of a registration fee of ten dollars for land surveyors, shall receive from the board a certificate of registration as a land surveyor, without oral or written examination.

An employee of the commonwealth or of any political subdivision thereof who is employed on or before December thirty-first, nineteen hundred and fifty-eight, after certification by the division of civil service in Class 27, shall be considered to have met the qualifications for engineer-in-training.

Any person who on the effective date of this act is a registered professional engineer or a registered land surveyor, under the provisions of section eighty-one M of chapter one hundred and twelve of the General Laws, as in effect immediately prior to said effective date, shall be deemed to have been issued an original certificate of registration under the provisions of section eighty-one M of said chapter one hundred and twelve, as appearing in section seven of this act, but he shall be subject to all other terms and conditions of sections eighty-one D to eighty-one T, inclusive, of said chapter one hundred and twelve, as amended by this act.

SECTION 12. If any provision or part of sections one to eleven, inclusive, of this act or the application thereof shall be held invalid, unconstitutional or inoperative as to any particular person or condition, the remainder thereof or the application of any such section or part thereof to any other person or condition shall not be affected thereby.

SECTION 13. Nothing in this act shall be construed to prevent the members of the board of registration of professional engineers and of land surveyors on the effective date of this act from completing their respective terms of office then unexpired.

Approved September 26, 1958.

CHAP. 585. AN ACT PROVIDING THAT PERSONS ENGAGED IN THE PRACTICE OF PHYSICAL THERAPY BE REGISTERED BY THE BOARD OF REGISTRATION IN MEDICINE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out sections 23A to 23P, inclusive, and inserting in place thereof the following sections: — *Section 23A.* The following words as used in sections 23A to 23O, inclusive, unless the context otherwise requires, shall have the following meanings: —

(a) "Physical therapy", the treatment of any bodily or mental condition of any person by the use of physical, chemical and other properties of heat, light, water, electricity, massage and active and passive exercise, but shall not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization.

(b) "Physical therapist", a person who practices physical therapy under the prescription, supervision and direction of a person licensed in the commonwealth to practice medicine and surgery.

(c) "Board", the board of registration in medicine established under section ten of chapter thirteen.

Section 23B. A person who desires to be registered as a physical therapist shall apply to the board, in writing, on an application form prescribed and furnished by the board. He shall include in his application statements under oath satisfactory to the board, showing that he possesses the qualifications preliminary to examination required by section twenty-three C. He shall pay to the board at the time of filing his application a fee of twenty-five dollars.

Section 23C. To be eligible for registration by the board as a physical therapist an applicant shall —

(a) Be at least twenty-one years old.

(b) Be a citizen of the United States or have filed a declaration of intention to become a citizen and having made such declaration of intention, have filed a petition for naturalization within sixty days after becoming eligible to do so.

(c) Be of good moral character.

(d) Have been graduated from an approved high school or its equivalent as determined by the board.

(e) Have been graduated from a school of physical therapy approved for training physical therapists by the appropriate sub-body of the American Medical Association, if any, at the time of his graduation, or if graduated prior to nineteen hundred and thirty-six, the school or course was approved by the American Physical Therapy Association at the time of his graduation; or have been graduated from a school of physical therapy chartered in a sovereign state other than the United States, and have furnished to the board such documentary evidence as it may require that his education is substantially the equivalent of that of graduates of schools of physical therapy in the United States approved by the appropriate sub-body of the American Medical Association, and such other evidence as the board may require as to his qualifications to practice physical therapy.

(f) Pass to the satisfaction of the board an examination conducted by it to determine his fitness to engage in the practice of physical therapy.

Section 23D. The board may, in its discretion, register as a physical therapist, without an examination, an applicant for registration who is a physical therapist registered under the laws of another state, if the requirements for a registered physical therapist in such other state were at the date of his registration therein substantially equal to the requirements set forth in sections twenty-three A to twenty-three O, inclusive. At the time of making such application, the applicant shall pay the board a fee of twenty-five dollars.

Section 23E. The board shall examine applicants for registration as physical therapists at such times and places as it may determine and shall conduct at least two such examinations in each calendar year. It shall employ three registered physical therapists to aid it in such examinations. The examination shall embrace the following subjects: — The applied sciences of anatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, applied to medicine, neurology, orthopedics, pediatrics, psychiatry and surgery; medical ethics and technical procedures in the practice of physical therapy. The type of examination shall be determined by the board. Any applicant who fails to pass such examination may take a second examination upon the payment of an additional application fee of ten dollars, and must be so re-examined at the next scheduled examination. Upon failure of an applicant to pass a second examination the board may require him to complete additional courses of study as designated by the board, in which case he shall be required, before taking another examination, to present to the board satisfactory evidence of having completed the required additional courses and shall pay an additional fee of twenty-five dollars.

Section 23F. The board shall register as a physical therapist each applicant who proves to the satisfaction of the board his fitness for registration under the provisions of sections twenty-three A to twenty-three O, inclusive. It shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of such person to represent himself as a registered physical therapist.

Section 23G. Every registered physical therapist shall, during January of every even-numbered year, apply to the board for a renewal of his registration and pay a fee of five dollars. Any registration not so renewed prior to April first in any such year shall automatically lapse on said date. The board may in its discretion revive and extend a lapsed registration on the payment of all unpaid renewal fees.

Section 23H. An applicant for registration as a physical therapist who is a graduate of an approved school of physical therapy may, between the date of filing such application and the announcement of the results of the next succeeding examination for registration, practice physical therapy under the prescription, supervision and direction of a person licensed in the commonwealth to practice medicine and surgery in any licensed institution or in any official or voluntary public health agency; or under the direct and immediate supervision of a registered physical therapist who is employed as such in the office of a person licensed in the commonwealth to practice medicine and surgery. If any person so practicing physical therapy fails to qualify for and pass the first announced examination after filing for registration, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filing for a second examination for registration as provided in section twenty-

three E, and shall automatically cease upon due notice to the applicant that he has failed to pass the second examination.

Section 23I. The board, after due notice and hearing, may refuse to register any applicant, or may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person on the grounds that such applicant

(a) Is habitually drunk or is addicted to the use of narcotic drugs;
(b) Has been convicted of violating any state or federal narcotic law;
(c) Is guilty, in the judgment of the board, of immoral or unprofessional conduct;

(d) Has been convicted of any crime involving moral turpitude;
(e) Is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist;

(f) Has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Has been declared insane by a court of competent jurisdiction and has not thereafter been legally declared sane; or

(h) Has treated or undertaken to treat ailments of human beings otherwise than by physical therapy and as authorized by sections twenty-three A to twenty-three O, inclusive, or has undertaken to practice physical therapy without the prescription, supervision and direction of a person licensed in the commonwealth to practice medicine and surgery.

Section 23J. The board may adopt reasonable rules to carry into effect sections twenty-three A to twenty-three O, inclusive, and may amend and revoke such rules at its discretion. The board shall keep a record of its proceedings under said sections and a register of all persons registered by it. The register shall contain the name of every living registrant, his last known place of business and last known place of residence, and the date and number of his registration and certificate as a registered physical therapist. The board shall, during the month of May in every year in which the renewal of registration is required, compile a list of the name and address of every registered physical therapist authorized to practice physical therapy in the commonwealth.

Section 23K. The board shall investigate every alleged violation of sections twenty-three A to twenty-three O, inclusive, coming to its notice, and shall report to the proper prosecuting officers all cases which in the judgment of the board warrant prosecution. Every police officer shall investigate each alleged violation of said sections which comes to his notice or of which he has received complaint, and he shall apprehend and arrest all violators. It shall be the duty of the attorney general and of the several district attorneys to prosecute violators of said sections.

Section 23L. Any person, without a valid existing certificate of registration as a physical therapist issued to him pursuant to the provisions of sections twenty-three A to twenty-three O, inclusive, who shall, in any manner, represent himself as a physical therapist, or who uses in connection with his name the words or letters "Registered Physical Therapist", "Physical Therapist", "Physiotherapist", "Physical Therapy Technician", "Doctor of Physical Therapy", "R.P.T.", "P. T.", "Ph. T.", "PT. D.", "P. T. T.", or any other letters, words, abbreviations or insignia, indicating or implying that he is a physical therapist, shall be punished by a fine of not more than two hundred dollars.

Section 23M. A person who makes a wilfully false oath or affirmation in any case in which an oath or affirmation is required under sections twenty-three A to twenty-three O, inclusive, or who obtains or attempts to obtain registration by any fraudulent representation, shall be punished by a fine of not more than two hundred dollars.

Section 23N. A person registered as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the prescription, supervision and direction of a person licensed to practice medicine and surgery in the commonwealth. Nothing in sections twenty-three A to twenty-three O, inclusive, shall be construed as authorizing a physical therapist to practice medicine, osteopathy, chiropractic or any other form or method of healing. Any person violating the provisions of this section shall be punished by a fine of not more than two hundred dollars.

Section 23O. Nothing contained in sections twenty-three A to twenty-three N, inclusive, shall be construed to prohibit any person employed as a physical therapist by an agency of the federal government from practicing physical therapy while discharging his official duties as such employee nor to prohibit a registered nurse employed at the Soldiers' Home in Holyoke from practicing physical therapy at said Home under the prescription, supervision and direction of a person licensed under the laws of the commonwealth to practice medicine and surgery.

Section 23P. If any provision of sections twenty-three A to twenty-three O, inclusive, or the application of such provision to any person or circumstance shall be held invalid, the remainder of said sections, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 23Q. Sections twenty-three A to twenty-three P, inclusive, shall be known and may be cited as the Registered Physical Therapists Law.

SECTION 2. Notwithstanding the provisions of sections twenty-three A to twenty-three O, inclusive, of chapter one hundred and twelve of the General Laws, as appearing in section one of this act, the board of registration in medicine shall register without examination any person who applies for such registration on or before December thirty-first, nineteen hundred and fifty-nine and who on the effective date of this act, (1) was practicing physical therapy in a competent manner in the commonwealth and was so practicing for one of the three years immediately preceding said effective date; (2) is of good moral character; and (3) is a citizen of the United States of America or has filed a declaration of intention to become a citizen, and having made such declaration of intention has filed a petition for naturalization within sixty days after becoming eligible to do so. Such applicant, having proved to the satisfaction of the board his qualifications under this section, shall pay the board a fee of twenty-five dollars and shall be entitled to a certificate of registration.

SECTION 3. Any person who on the effective date of this act was registered as a physical therapist under the provisions of sections twenty-three A to twenty-three P, inclusive, of chapter one hundred and twelve of the General Laws, as in effect immediately prior to said effective date, may continue to practice as a registered physical thera-

pist during his term of registration, and upon the expiration thereof may renew his registration under the provisions of section twenty-three G of chapter one hundred and twelve of the General Laws, as appearing in section one of this act, notwithstanding the fact that any such person may be an alien.

SECTION 4. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved September 26, 1958.

CHAP. 586. AN ACT AUTHORIZING THE STATE SECRETARY TO APPOINT A FOURTH DEPUTY.

Be it enacted, etc., as follows:

Chapter 9 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 587 of the acts of 1941, and inserting in place thereof the following section: — *Section 2.* He may appoint a first deputy, a second deputy, and a third deputy and a fourth deputy each of whom shall perform the duties of a division head, a director of the corporation division who shall be an attorney at law, a cashier for whose conduct he shall be responsible and from whom he may require a bond, and a chief of the archives division. He may also appoint clerks, messengers and other assistants necessary for the prompt despatch of public business. He may also employ such clerical assistance as he may deem necessary to carry out the laws relative to primaries and elections, and such employment and the appointment of such deputies, director, cashier and chief of the archives division shall not be subject to chapter thirty-one.

Approved September 26, 1958.

CHAP. 587. AN ACT AUTHORIZING THE DIVISION OF FISHERIES AND GAME TO ACQUIRE CERTAIN LAND IN THE TOWN OF ATHOL FOR HUNTING, FISHING AND RECREATION PURPOSES.

Be it enacted, etc., as follows:

For the purpose of establishing a public area for hunting, fishing and recreation, the division of fisheries and game of the department of natural resources is hereby authorized to acquire on behalf of the commonwealth by eminent domain under chapter seventy-nine of the General Laws, or by purchase or otherwise such parcels of land abutting on that part of Miller's river extending from South Royalston to the dam at Athol as may be necessary therefor. All lands acquired hereunder shall be added to and become a part of either the Birch Hill Public Hunting and Fishing Area or the Otter River State Forest, as the division may determine. The attorney general shall approve, as to form, the deeds necessary for carrying out the purposes of this act.

Approved September 26, 1958.

CHAP. 588. AN ACT RELATIVE TO THE CARE AND CUSTODY OF CHILDREN BORN TO INMATES OF THE MASSACHUSETTS CORRECTIONAL INSTITUTION AT FRAMINGHAM OR WHOSE MOTHERS ARE COMMITTED THERETO.

Be it enacted, etc., as follows:

SECTION 1. Sections ninety-five and ninety-six of chapter one hundred and twenty-seven of the General Laws are hereby repealed.

SECTION 2. Chapter 119 of the General Laws is hereby amended by inserting after section 23 the following section: — *Section 23A.* Any child born to an inmate of the Massachusetts Correctional Institution, Framingham, shall be accepted by the department, and any child whose mother is committed to said institution may be accepted by the department. Thereupon the department in consultation with the commissioner of correction shall make such provision at said institution or elsewhere for the care of said child as may seem to be for the best interests of said child.

SECTION 3. The department of public welfare shall accept any child who upon the effective date of this act is at the Massachusetts Correctional Institution, Framingham, pursuant to the provisions of section ninety-five of chapter one hundred and twenty-seven of the General Laws, as in effect prior to said effective date and shall make such provision at said institution or elsewhere for the care of said child as may be for the best interests of the child. *Approved September 26, 1958.*

CHAP. 589. AN ACT PROVIDING THAT CERTAIN MEMBERS OF THE DIVISION OF STATE POLICE BE CLASSIFIED AS MEMBERS IN GROUP 2 UNDER THE RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. The definition of *Group 2* in paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by chapter 550 of the acts of 1958, is hereby further amended by inserting after the words "*Group 1*", in line 2, the words: — , members of the division of state police appointed under the provisions of section six of chapter twenty-two.

SECTION 2. Subdivision (1) of section 26 of said chapter 32 is hereby amended by striking out the definition of "Officer", as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following definition: —

"Officer", an officer of the division of state police in the department of public safety appointed thereto under section nine A of chapter twenty-two.

Approved September 26, 1958.

CHAP. 590. AN ACT PROVIDING ADDITIONAL FUNDS TO COVER THE COST OF CERTAIN SEWERAGE WORKS WITHIN THE NORTH METROPOLITAN SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of further carrying out the construction authorized by chapter four hundred and fifty-two of the acts of nineteen hundred and fifty-four, the metropolitan district commission may expend, in addition to the amount authorized by said chapter, a sum not exceeding two hundred thousand dollars.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of this act the state treasurer shall, from time to time, on request of the commission and subject to the approval of the governor and council, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may

deem best, to an amount not exceeding two hundred thousand dollars, which shall be in addition to the amount of bonds heretofore authorized by section three of chapter four hundred and fifty-two of the acts of nineteen hundred and fifty-four. Bonds issued hereunder shall be designated on the face, Metropolitan District Sewerage Loan, North System, Act of 1958, shall be on the serial payment plan, and shall be issued for such maximum term of years not exceeding thirty years from the date of issue as may be recommended by the governor in accordance with section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, and shall bear interest at such rate as shall be fixed by the state treasurer with the approval of the governor.

SECTION 3. The interest and serial bond requirements on account of the moneys expended for the north metropolitan sewerage system provided for under this act, and the cost of maintenance and operation thereof, and such other expenses as may be authorized hereunder, shall be deemed to be and shall be paid as a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and thirty-nine of the acts of eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto and affecting the same, and shall be apportioned, assessed and collected in the manner provided by the provisions of chapter ninety-two of the General Laws relative to such system.

SECTION 4. This act shall take effect upon its passage.

Approved September 30, 1958.

CHAP. 591. AN ACT INCREASING THE COMMONWEALTH'S GUARANTEE AND ANNUAL CONTRIBUTION FOR THE HOUSING OF ELDERLY PERSONS.

Be it enacted, etc., as follows:

Chapter 121 of the General Laws is hereby amended by striking out section 26VV, as most recently amended by chapter 767 of the acts of 1957, and inserting in place thereof the following section:— *Section 26VV.* The commonwealth, acting by and through the state housing board, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a guarantee by the commonwealth of bonds and notes, or either bonds or notes, of the housing authority issued to finance the cost of a project or projects or a part or parts of a project or projects to provide housing for elderly persons of low income. The amount of bonds and notes, or bonds or notes, guaranteed by the commonwealth under this section shall not exceed forty-five million dollars. Each contract for state financial assistance shall provide that the commonwealth will pay to the housing authority annual contributions; provided, however, that the total amount of annual contributions contracted for by the commonwealth for any one year shall not exceed one million, one hundred and twenty-five thousand dollars. Each such annual contribution by the commonwealth shall be paid by the commonwealth upon approval and certification by the state housing board to the state comptroller. The provisions of sections twenty-six NN and twenty-six OO shall, so far as apt, be applicable to contracts for state financial assistance under this section.

In addition to said annual contribution, the commonwealth shall, upon approval and certification by the state housing board to the state comptroller, pay an additional annual contribution of one and one-half per cent of the completion cost during any fiscal year over and above the annual contribution of two and one-half per cent of the completion cost permitted under the first paragraph of this section and under sections twenty-six NN and twenty-six OO for any project or projects or a part or parts of a project or projects to provide housing for elderly persons of low income; provided, said project or projects have been determined to be complete and eligible to receive such annual contributions by said board; and provided, further, that the chairman of said board finds that the combined revenue and subsidy of such projects is insufficient to meet the cost of operation and debt service. The additional annual contributions authorized under this paragraph shall not in any one year exceed six hundred and seventy-five thousand dollars, over and above the one million, one hundred and twenty-five thousand dollars authorized under the first paragraph.

Approved September 30, 1958.

CHAP. 592. AN ACT INCREASING THE AMOUNT OF WATER WHICH THE TOWN OF CLINTON MAY TAKE FOR WATER SUPPLY PURPOSES FROM THE WACHUSETT RESERVOIR OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

Section 1 of chapter 348 of the acts of 1923 is hereby amended by striking out, in line 2 the words "five hundred" and inserting in place thereof the words: — six hundred.

Approved September 30, 1958.

CHAP. 593. AN ACT PROVIDING THAT CERTAIN INJURED WORKERS SHALL HAVE PREFERENCE IN RE-EMPLOYMENT.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 51A, inserted by chapter 93 of the acts of 1954, the following section: — *Section 51B.* An injured worker who has received workmen's compensation under chapter one hundred and fifty-two shall have preference in re-employment by the employer for whom he worked at the time of his injury over other persons not previously employed by such employer; provided, that the available employment is suitable for the mental and physical well-being of the worker and is within his qualifications.

Approved September 30, 1958.

CHAP. 594. AN ACT DESIGNATING A MUSIC SHELL TO BE CONSTRUCTED BY THE METROPOLITAN DISTRICT COMMISSION AS THE FRANCIS D. MARTINI MEMORIAL SHELL.

Be it enacted, etc., as follows:

SECTION 1. The music shell at the recreational facility to be constructed on the westerly side of Truman Highway in the Hyde Park district of the city of Boston by the metropolitan district commission

shall upon its completion be known and designated as the Francis D. Martini Memorial Shell, in honor of Francis D. Martini, a member of the United States army, who was killed in action in Luxembourg in World War II in the defense of his country. A suitable tablet or marker bearing said designation shall be affixed or attached to said shell by said commission.

SECTION 2. This act shall take effect upon its passage.

Approved September 30, 1958.

CHAP. 595. AN ACT DESIGNATING THE BRIDGE OVER COLE'S RIVER IN THE TOWN OF SWANSEA AS COLE'S RIVER BRIDGE.

Be it enacted, etc., as follows:

The bridge being reconstructed by the department of public works over Cole's river on state highway Route 103 in the town of Swansea shall, upon its completion, be known and designated as Cole's River Bridge, and suitable markers bearing said designation shall be erected on said bridge by the department. *Approved September 30, 1958.*

CHAP. 596. AN ACT PROVIDING FOR THE PAYMENT TO THE FRANKLIN FOUNDATION FOR THE BENEFIT OF THE FRANKLIN TECHNICAL INSTITUTE OF THE TRUST FUND BEQUEATHED BY BENJAMIN FRANKLIN TO THE INHABITANTS OF THE TOWN OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. That portion of the fund bequeathed by Benjamin Franklin to the inhabitants of the town of Boston in trust which is distributable to the commonwealth on termination of the trust shall be paid over to The Franklin Foundation for the maintenance, extension or otherwise for the benefit of the Franklin Technical Institute, and as to said portion said trust shall thereupon terminate; provided, however, that such payment shall not be made and said trust as to said portion shall not terminate unless and until a decree of the supreme judicial court authorizes such payment and termination.

SECTION 2. That portion of the fund bequeathed by Benjamin Franklin to the inhabitants of the town of Boston in trust which is distributable to the city of Boston on termination of the trust shall be paid over to The Franklin Foundation for the maintenance, extension or otherwise for the benefit of the Franklin Technical Institute, and as to said portion said trust shall thereupon terminate; provided, however, that such payment shall not be made and said trust as to said portion shall not terminate unless and until a decree of the supreme judicial court authorizes such payment and termination.

SECTION 3. The provisions of section two shall take effect upon the acceptance thereof during the current year by vote of the city council of the city of Boston approved by the mayor of said city.

Approved September 30, 1958.

CHAP. 597. AN ACT TO ALLOW AN ELECTED TOWN MEETING MEMBER OF THE TOWN OF MILTON TO CONTINUE TO SERVE AS SUCH, ALTHOUGH HE IS AN OFFICER OF SAID TOWN WHO IS DESIGNATED BY APPOINTMENT OR ELECTION, EX OFFICIO, A TOWN MEETING MEMBER.

Be it enacted, etc., as follows:

Section 2 of chapter 27 of the acts of 1927 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members, ex officiis, shall notwithstanding such appointment or election continue to serve as an elected town meeting member rather than an ex officio member. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, such notices to be sent by mail at least three days before any such meeting, but failure to comply with this provision shall not affect the validity of any act of the meeting, and this provision shall be in addition to the warrant for such meeting duly published and served according to law. The representative town meeting shall have authority to determine the election and qualifications, as set forth in this act, of its members. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. All town meetings shall be held in public. Town meeting members shall receive no compensation as such. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but he shall not vote. An elected town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. An elected town meeting member who is not an officer of the town designated by appointment or election, ex officio, as a town meeting member and who removes from the precinct from which he was elected shall cease to be a town meeting member.

Approved September 30, 1958.

CHAP. 598. AN ACT PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF AN ADDITIONAL VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON; CONFERRING UPON THE MASSACHUSETTS TURNPIKE AUTHORITY THE POWER AND DUTY TO CONSTRUCT, MAINTAIN, REPAIR AND OPERATE THE SAME; PROVIDING FOR THE FINANCING OF SUCH ADDITIONAL TUNNEL AND THE REFINANCING OF THE EXISTING TUNNEL; PROVIDING FOR THE TRANSFER TO SAID AUTHORITY OF SAID EXISTING TUNNEL; AND REPEALING CERTAIN EXISTING PROVISIONS OF LAW PERTAINING THERETO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to remove the critical hazards and handicaps in vehicular traffic between Boston proper and the East Boston section of the city, therefore this act is hereby declared to be an emergency law

necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. *Definitions.* — As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent: —

(a) The words “additional tunnel” shall mean the tunnel for vehicular traffic to be constructed under the provisions of this act between Boston proper and the East Boston section of said city, and shall embrace such entrance plazas, buildings, equipment, appurtenances and facilities for parking and storing motor vehicles as the Authority may deem necessary for the efficient operation of the Sumner tunnel and the additional tunnel and the elimination of traffic congestion at the approaches to said tunnels, together with all property, rights, easements and interests acquired or leased by the Authority for the construction of the additional tunnel and its facilities or the operation of both tunnels.

(b) The word “Authority” shall mean the Massachusetts Turnpike Authority, created by section three of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

(c) The word “board” shall mean the board of commissioners of sinking funds of the city of Boston.

(d) The word “tunnels” shall mean the existing tunnel and the additional tunnel.

(e) The word “city” shall mean the city of Boston.

(f) The term “cost of the additional tunnel” shall embrace the cost of construction, the cost of acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Authority, for one year after completion of construction, cost of removal or relocation of any public utilities facilities, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the additional tunnel, administrative expense, and such other expense as may be necessary or incident to the construction of the additional tunnel, and the cost of issuing revenue bonds or interim receipts under the provisions of this act and placing the additional tunnel in operation and combining the same with the existing tunnel as a single project. Any obligation or expense hereafter incurred at the request of the Authority by the state department of public works or by the city for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of the additional tunnel, shall be regarded as a part of the cost of the additional tunnel and shall be assumed and paid by the Authority or reimbursed to the commonwealth

to the credit of the Highway Fund or to the city out of the proceeds of the tunnel revenue bonds hereinafter authorized.

(g) The term "current expenses" shall mean the Authority's reasonable and necessary expenses of maintaining, repairing and operating the existing tunnel, and, when the additional tunnel is open to traffic, both tunnels, and shall include, without limiting the generality of the foregoing, all administrative expenses, insurance premiums, fees and expenses of the trustee, engineering expenses relating to operation and maintenance, legal expenses, charges of the paying agents, ordinary and usual expenses of maintenance and repair, which may include expenses not annually recurring and any other expenses required to be paid by the Authority under the provisions of the trust agreement or resolution hereinafter mentioned or by law.

(h) The words "existing tunnel" shall mean the vehicular tunnel under Boston harbor, sometimes called the "Sumner tunnel," heretofore constructed and financed by the city under the provisions of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine, as amended by chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, by chapters seventy-four, three hundred and twelve and four hundred and fifty-five of the acts of nineteen hundred and thirty-five, and by chapter ninety-three of the acts of nineteen hundred and thirty-seven, and refinanced under the provisions of chapter three hundred and sixty-one of the acts of nineteen hundred and forty-five, together with all entrance plazas and buildings heretofore constructed, and all machinery, equipment, appurtenances, plans, property, rights, easements and interests acquired or leased by the city in connection with or appertaining to the construction or the operation of the tunnel, located northeast of the northeasterly line of Cross street, extended between Hanover street and North street in Boston, and southwest of the southwesterly line of Porter street, extended between London street and Havre street in East Boston, notwithstanding any contrary definition of the word "tunnel" in any of the above acts; but excluding street approaches and additional street and traffic improvements and land or easements therein acquired for the same under the provisions of said chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, and excluding lands or easements therein used as a printing plant and police station under chapter thirty of the acts of nineteen hundred and thirty-one as originally enacted or as amended by chapter twenty-three of the acts of nineteen hundred and thirty-two.

(i) The term "fiscal year" shall be deemed to be the calendar year.

(j) The word "trustee" shall mean the bank or trust company acting as trustee under the resolution whereby the revenue bonds herein provided for are issued by the Authority or under a trust agreement made and entered into by and between the Authority and a bank or trust company.

SECTION 2. *Additional Vehicular Tunnel under Boston Harbor.* — In order to relieve the present congestion in vehicular traffic between Boston proper and East Boston, and remove the handicaps and hazards in traffic through the existing two-way vehicular tunnel under Boston harbor, the Authority, notwithstanding the provisions of section twenty of chapter four hundred and sixty-five of the acts of nineteen hundred

and fifty-six (which, in so far as inconsistent with the provisions of this act, is hereby repealed), is hereby authorized, empowered and directed, subject to the provisions of this act, (a) to start construction, within eighteen months after the passage of this act, of an additional tunnel under Boston harbor consisting of two lanes for vehicular traffic, from a point at or near the intersection of Cross street and North street in the city to a point at or near the intersection of Porter street and Havre street in the East Boston section of the city; (b) to acquire the existing Sumner tunnel; (c) to pay to the city the sum specified in clause (a) of section eight; (d) to pay to the city interest as provided in clause (b) of section eight; (e) to pay to the board sufficient funds to pay the principal of the traffic tunnel bonds outstanding at their respective maturities or earliest practical redemption dates as provided in clause (2) of section 8; (f) to maintain, repair and operate the additional tunnel and the existing Sumner tunnel; (g) to issue tunnel revenue bonds of the Authority payable solely from tolls and other revenues of both tunnels for the purpose of acquiring and refinancing the existing tunnel and paying the cost of the additional tunnel.

SECTION 3. *Credit of Commonwealth or any Political Subdivision not pledged.* — Tunnel revenue bonds, interim receipts, temporary bonds and tunnel revenue refunding bonds issued under the provisions of this act shall not be deemed to constitute a debt of the commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the commonwealth or of any such political subdivision; but such bonds and interim receipts shall be payable solely from the funds herein provided therefor from revenues. All such bonds and interim receipts shall contain on the face thereof a statement to the effect that neither the Authority nor the commonwealth nor any political subdivision thereof shall be obliged to pay the same or the interest thereon except from revenues of the tunnels, and that neither the faith and credit nor the taxing power of the commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds and interim receipts.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the provisions of this act.

SECTION 4. *Massachusetts Turnpike Authority.* — The Massachusetts Turnpike Authority shall not be subject to the supervision and regulation of the department of public works or of any other department, commission, board, bureau, or agency of the commonwealth or of the city, except to the extent and in the manner provided in this act. The exercise by the Authority of the powers conferred by this act, shall be deemed and held to be the performance of an essential governmental function.

Before the issuance of any tunnel revenue bonds, interim receipts or temporary bonds under the provisions of this act, each member of the Authority shall execute a surety bond in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall execute a surety bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of his office,

executed with a surety company, authorized to transact business in the commonwealth, as surety, approved by the attorney general, and filed in the office of the secretary of the commonwealth. Such surety bonds shall be in addition to the bonds provided for in the last paragraph of section three of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two.

In addition to the salary provided in the last paragraph of section three of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, the chairman of the Authority shall receive an annual salary of eight thousand dollars and the other members shall receive an annual salary of two thousand dollars for services rendered in connection with this act.

SECTION 5. *General Grant of Powers.* — The Authority is hereby authorized and empowered —

(a) To construct the additional tunnel substantially in accordance with the plans partially prepared under the provisions of chapter five hundred and sixty-seven of the acts of nineteen hundred and forty-six, which plans shall be furnished without expense to the Authority, and to maintain, repair and operate the existing tunnel and the additional tunnel;

(b) To issue tunnel revenue bonds of the Authority, interim receipts, and temporary bonds, payable solely from revenues, as hereinafter provided, and to refund its bonds, all as provided in this act;

(c) To fix and revise from time to time and charge and collect tolls for transit through the existing tunnel and the additional tunnel; provided, however, that no toll or charge for the use of the tunnels shall be collected by the Authority for the passage of vehicles of the city or the Boston protective department;

(d) To establish rules and regulations for the use of the existing tunnel and the additional tunnel, and to provide penalties for the violation of said rules and regulations not exceeding fifty dollars for each offence, which may be recovered by indictment or complaint before a district court and shall be accounted for and paid to the Authority;

(e) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(f) To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws, or any alternative method now or hereafter provided by law, in so far as such provisions may be applicable, such public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in such private property as it may deem necessary for carrying out the provisions of this act, which acquisition may be fixed by planes of division, or otherwise, below or above or at the surface of the soil with no taking of upper or lower portions; provided, that no compensation shall be paid for public lands taken; provided, further, that when a parcel of private property so taken is used in whole or in part for residential purposes, the owner or owners of said parcel may, within thirty days of the date of the Authority's notice to vacate such parcel, appeal to the Authority

for a postponement of the date set for vacating, whereupon the Authority shall grant to the owner or owners of the property a postponement of three months from the date of such appeal; provided, however, that the appeal for such postponement shall be in the form of a written request to the Authority sent by registered mail, return receipt requested; and provided, further, that the Authority shall give security to the state treasurer for the payment of such damages as may be awarded in accordance with law for such taking, and that the provisions of section forty of said chapter seventy-nine, in so far as the same may be applicable, shall govern the rights of the Authority and of any person whose property shall be so taken;

(g) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(h) To employ consulting engineers, accountants, attorneys, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(i) To receive and accept from any federal agency grants for or in aid of the construction of the additional tunnel, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(j) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 6. *Acquisition of Property.* — The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights of way, franchises, easements and other interests in lands as it may deem necessary or convenient for the construction of the additional tunnel or for the operation of both tunnels, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Authority and the owner thereof, and to take title thereto in the name of the Authority.

The Authority may, for the purposes of this act, acquire in its own name by purchase or otherwise, or may take by eminent domain under chapter seventy-nine of the General Laws or any other alternative method now or hereafter provided by law, lands in fee including buildings thereon, and easements, estates and rights in land, including the right to go under the surface thereof, or through or under buildings or parts of buildings thereon or any leasehold rights, or other rights therein or relative thereto. Such takings, in fee or otherwise, may be made whether the lands or other rights taken or otherwise affected are held under or by title derived by eminent domain or otherwise, and the Authority may, for such purposes acquire in its own name by purchase or otherwise, or may take any property and rights of any kind deemed by it essential for the construction of the additional tunnel or for the operation of both tunnels. A taking or purchase under this section of an easement or other estate, air right or other right in a particular parcel of real estate, or any right taken, whether such parcel or other right taken consists of unimproved land or of land and buildings or rights of any nature, may be confined to a portion or section of such parcel or

right fixed by planes of division, or otherwise, below or above or at the surface of the soil, and in such case no taking need be made of upper or lower portions, or other parts or sections thereof, except of such easements therein, if any, as the Authority may deem necessary. The Authority shall, so far as may be practicable, notify all known owners of such taking, but the validity thereof shall not be affected by want of such notice.

The Authority may sell the buildings or other structures upon any land taken by it, or may remove the same, and shall sell, if a sale be practicable, or if not, shall lease, if a lease be practicable, any lands or rights or interests in lands or other property taken or purchased for the purposes of this act, whenever the same shall, in the opinion of the Authority, cease to be needed for such purposes. The proceeds of any such sale or lease shall be applied toward the cost of the additional tunnel or deposited to the credit of the sinking fund for the tunnel revenue bonds issued under the provisions of this act.

SECTION 7. *Incidental Powers.* — The Authority shall have power to change and adjust the lines and grades of public highways so as to accommodate the same to the design of the existing tunnel and the additional tunnel and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the additional tunnel.

The Authority may, with the approval of the traffic commission of the city, establish satisfactory detours over existing public ways during the process of constructing the additional tunnel.

If the Authority shall find it necessary to change the location of any portion of any public way, it shall reconstruct the same at such location as the Authority shall deem most favorable with the approval of the department of public works of the city and of substantially the same type and in as good condition as the original highway. Land or rights in land may be acquired for this purpose by eminent domain under chapter seventy-nine of the General Laws by the Authority in behalf of the city or in behalf of the Authority, at the option of the Authority. The Authority may acquire by purchase or take by eminent domain under said chapter seventy-nine easements in land outside the location of the tunnels, said easements to be acquired or taken in behalf of those owners of land abutting the tunnels whose rights of access to and egress from their land, and any other rights necessary to make the same available for use will become inoperative due to the construction, maintenance, repair and operation of the tunnels. Control of the land or rights in the land acquired under this paragraph shall not vest in the city or owners of land abutting the tunnels until such time as the work for which the land or rights in land have been acquired has been completed by the Authority. Any person whose property has been taken by the Authority under this paragraph may recover from the Authority under said chapter seventy-nine. The cost of such reconstruction and the damages incurred under this paragraph shall be paid by the Authority as a part of the cost of the additional tunnel.

Any public highway affected by the construction of the additional tunnel or the maintenance, repair and operation of both tunnels may be vacated or relocated by the Authority, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the additional tunnel.

The Authority and its authorized agents and employees may enter upon any lands, waters and premises in the commonwealth for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any eminent domain proceedings which may be then pending. The Authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

The Authority may order the removal or relocation of any surface tracks, and the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out and construction of the additional tunnel or the operation of both tunnels, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be reimbursed by the Authority for the reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with such orders. If any such owner shall fail to comply with any such order of the Authority relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the Authority may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the Authority by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. Any such structure in or upon private lands may be removed and relocated by the Authority, or, if removed and relocated by the owner thereof, the reasonable expense shall be repaid to him by the Authority.

Any gas or electric lighting company shall shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far and for such time as may be necessary to prevent the escape or explosion of gas, or other public danger.

The city may place and maintain in the existing tunnel and in the additional tunnel at its own cost but without payment of any charge or rental such wire and apparatus as may be necessary for its police and fire alarm service, to be used however, exclusively for such service and to be so placed as the Authority may determine, but this privilege shall not extend to water pipes, except such as may be needed for fire protection and other uses therein.

The Authority may place and maintain, or may grant permission to any corporation or person to place and maintain, within the additional tunnel ducts or other structures, to be so located as not to interfere with the safe and convenient operation and maintenance of the tunnel and other apparatus which the city is herein permitted to place therein, and may contract with any such person or corporation for such permission or for the use of such ducts or other structures at such rate of rental as may be fixed by the Authority. The construction, mainte-

nance and repair of any such ducts or other structures shall be subject to such directions and regulations as the Authority may impose.

The commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of the additional tunnel.

SECTION 8. *Tunnel Revenue Bonds.* — For the purpose of providing funds (a) to pay to the city the sum of ten million, nineteen thousand, three hundred and eighty dollars in full satisfaction of just compensation for the existing tunnel and also for the net amounts heretofore paid by and raised in tax levies of the city for Sumner tunnel operating deficits; (b) to pay to the city interest at the rate of two per cent per annum on the sum specified in clause (a) from January first, nineteen hundred and fifty-nine, until the date of actual payment; (c) to pay to the board sufficient funds to pay the principal of the outstanding Traffic Tunnel Bonds, City of Boston, Act of 1929, Series C and the outstanding Traffic Tunnel Retirement Bonds, City of Boston, Act of 1945, at their respective maturities or earliest practicable redemption dates as provided in clause (2) herein below; and (d) to pay the cost of the additional tunnel, the Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of its tunnel revenue bonds. The principal of and the interest on such bonds shall be payable from the funds herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates, not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. The bonds shall be signed by the chairman of the Authority or shall bear his facsimile signature, and shall bear a facsimile of the official seal of the Authority, attested by the secretary-treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such

bonds in such manner, either at public or at private sale, and for such price as it may determine to be for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds shall be deposited with the trustee and applied as follows: —

(1) There shall be paid to the collector-treasurer of the city, in addition to any interest as provided in clause (b) of this section, the sum provided for in clause (a) of this section, out of which seven million nine hundred and nineteen thousand three hundred and eighty dollars shall be set aside and used only upon appropriation pursuant to section three of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as most recently amended by section one of chapter six hundred and four of the acts of nineteen hundred and forty-one, for a purpose or purposes for which the city is authorized to incur debt outside its debt limit for a period of twenty years or more; and anything in section four A of chapter seven hundred and seventeen of the acts of nineteen hundred and fifty-seven to the contrary notwithstanding, the balance of the sum provided for in clause (a) of this section may be included in the deductions made by the assessors of Boston in the current year under clause (a) of section twenty-three of chapter fifty-nine of the General Laws on account of estimated receipts.

(2) Such amount of such proceeds shall be paid to the board as in addition to the securities, computed at principal face amount, and cash then held in the sinking funds for the outstanding Traffic Tunnel Bonds, City of Boston, Act of 1929, Series C and for the outstanding Traffic Tunnel Retirement Bonds, City of Boston, Act of 1945, will equal the aggregate principal amount of the then outstanding traffic tunnel bonds. The board shall invest such proceeds in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed, by the United States Government, having such maturities, not later than August 1, 1965, as may be deemed by the board to be most practicable for paying the interest on and the principal of all of the outstanding traffic tunnel bonds at their respective maturities or earliest practicable redemption date.

(3) The balance of such proceeds shall be deposited with the trustee for the credit of a special fund to be used solely for the payment of the cost of the additional tunnel, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or the trust agreement hereinafter mentioned securing the same.

If the proceeds of the bonds initially issued, by error of estimates or otherwise, shall be less than the amounts required for the above-mentioned purposes, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of such bonds shall

exceed the amounts so required, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued by the Authority under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or of the city, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

The provisions of this section relating to payments to be made to the city and the board for the Sumner tunnel shall, within ten days after the effective date of this act, be submitted by the mayor of the city to the city council of the city for acceptance and if accepted by vote of said council or if not rejected by vote of said council within twenty days after the effective date of this act shall be presumed to constitute the payment of just compensation for the Sumner tunnel.

SECTION 9. *Trust Agreement.* — In the discretion of the Authority, the bonds issued under the provisions of this act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the tunnels or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction of the additional tunnel and the improvement, maintenance, operation, repair, and insurance of the existing tunnel and the additional tunnel, the rates of toll to be charged and the custody, safeguarding and application of all monies, and may contain provisions for the employment of consulting engineers in connection with the construction of the additional tunnel and the operation of both tunnels. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depositary of the proceeds of the bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such trust agreement or resolution shall set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the tunnels.

SECTION 10. *Operation of Existing Tunnel.* — Upon the issuance of tunnel revenue bonds under the provisions of this act, and the application of the proceeds of said bonds as provided in section eight, or at such

later date as the Authority may determine, title to the existing tunnel shall be vested in the Authority, and thereafter said tunnel shall be maintained, repaired and operated by the Authority, and the treasurer of the city shall deposit with the trustee for the credit of the appropriate funds created under the provisions of the trust agreement or resolution all monies then in his hands which pertain to the existing tunnel excluding any monies under the control of the board. The board shall continue to administer the second supplemental sinking fund for the outstanding Traffic Tunnel Bonds, City of Boston, Act of 1929, Series C, and the third supplemental sinking fund for the outstanding Traffic Tunnel Retirement Bonds, City of Boston, Act of 1945, in such manner as to meet the payment of the interest on said bonds as the same shall become due and payable and to provide for the payment of the principal of said bonds as the same mature or for the redemption of said bonds at the earliest practicable redemption dates. The board shall make a report to the Authority and to the trustee within the first fifteen days of each fiscal year covering all receipts and disbursements and all securities sold or purchased during the preceding fiscal year on account of each of said sinking funds and a detailed statement of the securities and cash then held by it and belonging to each of said sinking funds. Each such report shall also set forth what amount, if any, in addition to securities and cash held in said sinking funds, shall be deposited by the Authority with the board during the current fiscal year for the credit of each of said sinking funds in order to insure the payment of the interest on the outstanding bonds for which such sinking fund has been established as the same shall become due and payable and the payment of the principal of such bonds at their respective maturities or earliest practicable redemption dates (the amounts so to be deposited in any fiscal year for the credit of the sinking funds being herein below sometimes called the "sinking fund requirements"). Each such report shall also set forth the date or dates during the current fiscal year on which the sinking fund requirements for the outstanding tunnel bonds are to be paid by the Authority and the Authority shall pay the same to the board on such date or dates.

All traffic tunnel bonds shall be called for redemption and cancellation at the earliest date or dates permitted by their terms.

SECTION 11. *Revenues.* — The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of the tunnels and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of the tunnels, approaches and appurtenances, or any part thereof, for any purpose, except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use including such commutation rate of a uniform nature for the users of the tunnels as the Authority may deem desirable. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the tunnels as to provide a fund sufficient with other revenues of the tunnels, if any, (a) to pay the Authority's current expenses, (b) to meet any sinking fund requirements for the outstanding tunnel bonds, (c) to pay the principal of and the interest on all bonds and interim receipts issued under the provisions of this act, as the same become due and payable, and (d) to create reserves for such purposes.

Such tolls shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. The tolls and all other revenues derived from the tunnels, except such part thereof as may be necessary to pay such current expenses and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, and as may be necessary to meet any sinking fund requirements for the outstanding bonds, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to and charged with the payment of —

(1) The interest on such tunnel revenue bonds as such interest shall fall due;

(2) The principal of such bonds as the same shall fall due; and

(3) The redemption price or the purchase price of bonds retired by call or purchase as therein provided.

Such pledge shall be valid and binding from the time when the pledge is made; the tolls and other revenues or other monies so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority.

The use and disposition of monies to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

SECTION 12. *Trust Funds.* — All monies received pursuant to the authority of this act, whether as proceeds from the sale of tunnel revenue bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the bonds or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such monies shall be deposited shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

SECTION 13. *Remedies.* — Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under any trust agreement or resolution, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement or resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of tolls.

SECTION 14. *Bonds Eligible for Investment.* — Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifty of chapter one hundred and sixty-eight of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 15. *Miscellaneous.* — The existing tunnel and the additional tunnel when constructed and open to traffic shall be operated, maintained and kept in good condition and repair by and at the expense of the Authority.

After the effective date of this act, and so long as any bonds issued under the provisions of this act shall be outstanding, no bridge, tunnel, or ferry for vehicular traffic shall be constructed or operated by the commonwealth or any political subdivision thereof, or by any public instrumentality other than the Authority over, under or across Boston harbor within a distance of one half mile upstream or one mile downstream from the center line of the existing tunnel or the additional tunnel, and no franchise shall be granted for the construction or operation of such a bridge, tunnel or ferry for vehicular traffic.

The city and all public agencies and commissions of the commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at its request upon such terms and conditions as the proper authorities of such city or such agencies or commissions of the commonwealth may deem reasonable and fair, and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

The Authority may call upon the state department of public works, the metropolitan district commission, the Boston city planning board, and such other state or city boards, commissions or divisions as may be deemed advisable for the purpose of assisting in making investigations and in effecting the design and construction of the additional tunnel, and the Authority may arrange for payment for such services and expenses of said agencies in connection therewith.

The existing tunnel and the additional tunnel shall be policed and operated by such force of police, toll takers and other operating employees as the Authority may in its discretion employ.

Concomitant with title to the existing tunnel becoming vested in the Authority, all employees of the city whose work is directly related to the existing tunnel shall be transferred to, and become employees of, the Authority without reduction in their compensation or impairment of their vacation, holiday and sick leave rights; and the civil service laws and rules shall continue to apply to such employees and to govern promotions among those to whom they continue to apply. Every person who immediately prior to being transferred to and made an employee of the Authority by this paragraph is a member of the Boston retirement system, or of the State-Boston retirement system, shall continue to be a member thereof and subject to the laws applicable thereto; and the Authority shall deduct from the wages of every such person, and pay over to the Boston retirement board, such sums as the city would deduct and pay over if such person were an employee of the city; and at such times as the commissioner of insurance shall from time to time prescribe, the Authority shall, as a part of its current expenses, pay to the Boston retirement board such sums as said commissioner shall from time to time determine the city would be obliged to pay if such person were an employee of the city, including, in the case of a member of the Boston retirement system, accruals for prior service and accidental disability. Every person who immediately prior to being transferred to the Authority was subject to the provisions of sections fifty-six to sixty, inclusive, of chapter thirty-two of the General Laws shall continue subject to the provisions of said sections; provided, however, that the words "retiring authority", as used in said sections shall mean the members of the Authority; and provided, further, that the amount of all retirement allowances payable under said sections by virtue of this act shall be paid by the Authority. Upon the retirement of any such person under said sections fifty-six to sixty, inclusive, the Boston retirement board shall refund to the person so retired the amount of his accumulated deductions, and, if such person is a member of the Boston retirement system, shall refund to the Authority all other payments made on behalf of such person.

All private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act.

Until the tunnels shall have become a part of the state highway system under the provisions of section sixteen of this act, the Authority shall be liable to any person sustaining bodily injury or damage in his property by reason of a defect or want of repair therein or thereupon to the same extent as though the tunnels were a way within the meaning of sections fifteen, eighteen and nineteen of chapter eighty-four of the General Laws, and shall be liable for the death of any person caused by such defect or want of repair to the same extent as is provided in chapter two hundred and twenty-nine of the General Laws. Any notice of such injury, damage or death required by law shall be given to any member of the Authority, or to the secretary-treasurer.

Until the tunnels shall have become a part of the state highway system they shall be deemed to be a way within the meaning and purport of sections two, four A, four B and five of chapter eighty-nine of the General Laws, and sections three A, three B, three C, six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fourteen B, sixteen, the first

sentence of section seventeen, section twenty, the first sentence of section twenty-one, sections twenty-three, twenty-four, twenty-five, twenty-six, and thirty-four J of chapter ninety of the General Laws.

Any operator of a vehicle using the tunnels who refuses to pay the toll prescribed by the Authority, or who evades or attempts to evade payment of the toll prescribed by the Authority, may be arrested without a warrant.

Any person damaged in his property by the exercise of any of the powers granted by this act may recover his damages from the Authority under chapter seventy-nine of the General Laws.

So much of the cost of the audit of the books of the Authority as is attributed to the carrying out of the provisions of this act may be treated as a part of the cost of construction or operation of the tunnels.

SECTION 16. *Transfer to Commonwealth.* — When all bonds and interim receipts issued under the provisions of this act and the interest thereon shall have been paid, or a sufficient amount for the payment of all such bonds and interim receipts and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, the tunnels, if then in good condition and repair to the satisfaction of the state department of public works, shall become a part of the state highway system and shall thereafter be maintained and operated by said department free of tolls, as may be provided by law, and all funds of the Authority received under this act and not required for the payment of the bonds and interim receipts and of the interest thereon shall be paid into the treasury of the commonwealth and credited to the Highway Fund, and all machinery, equipment and other property belonging to the Authority and used in carrying out the provisions of this act shall be vested in the commonwealth and delivered to the state department of public works.

SECTION 17. *Exemption from Taxation.* — The exercise of the powers granted by this act will be in all respects for the benefit of the people of the commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of the tunnels by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the tunnels or any property acquired or used by the Authority under the provisions of this act or upon the income therefrom, and the bonds and interim receipts issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the commonwealth.

SECTION 18. *Tunnel Revenue Refunding Bonds.* — The Authority is hereby authorized to provide by resolution for the issuance of its tunnel revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions or enlargements of the existing tunnel or the additional tunnel. The issuance of such bonds, the maturities and other details thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by

the provisions of this act in so far as the same may be applicable. The issuance of tunnel revenue bonds or tunnel revenue refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

SECTION 19. *Preliminary Expenses.* — To provide for the preliminary expenses of the Authority in carrying out the provisions of this act, the sum of two hundred thousand dollars is hereby appropriated from the Highway Fund, which sum shall be paid to the Authority, and simultaneously with the delivery of the bonds, the sum so paid shall be reimbursed by the Authority to the commonwealth for the credit of the Highway Fund out of the proceeds of any bonds which may be issued under the provisions of this act.

The Authority is hereby authorized and directed to make such surveys and studies of the existing tunnel and the additional tunnel as may be necessary to effect the financing authorized by this act at the earliest practicable time, and for this purpose to employ such consulting engineers, traffic engineers, legal and financial experts and such other employees and agents as it may deem necessary. To effect the purposes of this act, the city, the state department of public works and the Massachusetts Port Authority, created by chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six, shall make available to the Authority without cost all maps, plans and data in their possession which may be useful to the Authority in making such surveys and studies and in constructing the additional tunnel. The state department of public works may furnish such assistance in making investigations, in preparing designs for the tunnel and in the operation and maintenance of both tunnels as may be called for by the Authority and the cost thereof hereafter incurred shall be paid by the Authority.

SECTION 20. *Act Liberally Construed.* — This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 21. *Constitutional Construction.* — The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 22. *Inconsistent Laws Inapplicable.* — All provisions of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six relative to the purchase, payment of just compensation for, use, control and refinancing of the Sumner Tunnel; all provisions of said act authorizing the construction of an additional vehicular crossing between Boston proper and East Boston by the Massachusetts Port Authority; all provisions of said act for the transfer to the Massachusetts Port Authority of the Sumner Tunnel; and any other provisions of said act inconsistent with the provisions of this act are hereby repealed, and any action taken in accordance therewith is hereby declared void and of no effect.

Sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine of the General Laws, and all general or special laws, or parts thereof, inconsistent therewith, are hereby declared to be inapplicable to the provisions of this act.

Approved October 3, 1958.

CHAP. 599. AN ACT RELATIVE TO THE ISSUANCE OF BONDS BY THE MASSACHUSETTS PORT AUTHORITY AND REPEALING THE AUTHORIZATION OF SAID AUTHORITY TO ACQUIRE THE SUMNER TUNNEL AND TO CONSTRUCT A CERTAIN ADDITIONAL VEHICULAR CROSSING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately divest the Massachusetts Port Authority of the right to construct an additional vehicular crossing between Boston proper and East Boston and of the right to acquire the Sumner Tunnel and thus to make possible the construction of such crossing by some other instrumentality of the government and to expedite the sale of its bonds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 465 of the acts of 1956 is hereby amended by striking out section 1 and inserting in place thereof the following section:— *Section 1. Definitions.*— As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:—

(a) The term “airport properties” shall include the General Edward Lawrence Logan International Airport, hereafter called the Logan Airport, and Laurence G. Hanscom field, together with all buildings and other facilities and all equipment, appurtenances, property, rights, easements and interests acquired or leased by the commonwealth in connection with the construction or the operation thereof and in charge of the state airport management board.

The term “airport properties” shall not be construed to mean that part of Logan Airport now under lease to the United States of America nor that part of Logan Airport now used or controlled by the military division of the commonwealth for purposes of the air national guard.

(b) The word “Authority” shall mean the Massachusetts Port Authority created by section two or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

(c) The word “city” shall mean the city of Boston.

(d) The word “cost”, as applied to any additional facility financed under the provisions of this act or any extensions, enlargements or improvements of any project, shall embrace the cost of construction or acquisition, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, easements and interests acquired by the Authority in connection with the project, financing charges, interest prior to and during construction and for one year after completion of construction, cost of removal or relocation of any public utilities facilities, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expense as may be necessary or incident to the construction or acquisition of such additional facility or such extensions, enlargements or improve-

ments, the financing thereof and the issuance of revenue bonds under the provisions of this act and placing the project in operation. Any obligation or expense hereafter incurred at the request of the Authority by the department of public works, the metropolitan district commission or by the public works department of the city or by any other governmental agency for engineering and legal services in connection with the construction of a project and the financing thereof shall be regarded as a part of the cost of the project and shall be assumed and paid by the Authority, or reimbursed to the commonwealth or to the city or to such agency out of the proceeds of the revenue bonds hereinafter authorized.

(e) The term "current expenses" shall mean the Authority's reasonable and necessary current expenses of maintaining, repairing and operating the projects and shall include, without limiting the generality of the foregoing, all administrative expenses, insurance premiums, fees and expenses of the Trustee, engineering expenses relating to operation and maintenance, legal expenses, charges of the paying agents, any taxes which may be lawfully imposed on the Authority or its income or operations or the property under its control and reserves for such taxes, ordinary and usual expenses of maintenance and repair, which may include expenses not annually recurring, and any other expenses required to be paid by the Authority under the provisions of the trust agreement hereinafter mentioned or by law, but shall not include any reserves for operation, maintenance or repair, whether current or non-annually recurring, or any allowance for depreciation or transfers to the credit of the sinking fund for the revenue bonds.

(f) The term "fiscal year" shall be deemed to be the period commencing on the first day of July and ending on the last day of June of the following year.

(g) The words "Mystic River bridge" shall mean the bridge heretofore constructed and financed by the Mystic River Bridge Authority under the provisions of chapter five hundred and sixty-two of the acts of nineteen hundred and forty-six, as amended by chapter six hundred and twenty-six of the acts of nineteen hundred and forty-seven and by chapter four hundred and thirty-two of the acts of nineteen hundred and fifty-four, together with its approaches and approach facilities and all buildings and other facilities constructed, and all equipment, appurtenances, property, rights, easements and interests acquired or leased, by the Mystic River Bridge Authority in connection with the construction or the operation thereof.

(h) The term "Mystic River Bridge Revenue Bonds" shall mean the bonds, dated September first, nineteen hundred and forty-seven, and designated "Mystic River Bridge Authority Bridge Revenue Bonds (Boston — Chelsea Bridge)", which were issued by the Mystic River Bridge Authority under the provisions of said chapter five hundred and sixty-two of the acts of nineteen hundred and forty-six, as amended, for paying the cost of the Mystic River bridge.

(i) The term "port properties" shall embrace all lands, piers and other structures and facilities and all equipment, appurtenances, property, rights, easements and interests acquired or leased by the commonwealth in the port of Boston and in charge of the port of Boston commission.

The term "port of Boston" shall mean all of the tidewater lying westerly of the following described line: Point Allerton to the north.

easterly side of Green island, thence to the southerly point of Deer island, thence to the northeasterly corner of President Roads anchorage basin, thence along the northerly side of said anchorage basin, thence along the westerly end of said anchorage basin and a line in extension thereof to the northerly line of the thirty-five-foot main ship channel, thence along the northerly line of the main ship channel to the Bird island anchorage basin, thence along the easterly end and northerly side of said Bird island anchorage basin to an intersection of the southeasterly side line of Jeffries street extended southwesterly, thence northeasterly along said line extended and the southeasterly side line of Jeffries street to Maverick street, excepting therefrom all of the tidewater now or formerly in the cities of Somerville, Cambridge, and Boston bounded on the seaward side by a line beginning at a point in the Charlestown section of the city of Boston having co-ordinates $X = 718,435.88$ and $Y = 499,894.43$ on the Massachusetts Co-ordinate System (Mainland Zone) as established by chapter forty-seven of the acts of nineteen hundred and forty-one, and extending thence, crossing the Charles river by a line bearing south $27^{\circ} 50' 07''$ east, parallel to and approximately sixty feet easterly from the center line of the Charlestown bridge to the northerly street line of Commercial street; thence following said street line northeasterly, easterly and southeasterly to the easterly street line of Atlantic avenue; thence following said line of Atlantic avenue and an extension thereof southerly to a point on the extension of a line parallel to the center line of the Northern avenue bridge and approximately fifty feet distant southwesterly therefrom; thence following said line parallel to the center line of Northern avenue bridge south $61^{\circ} 23' 02''$ east to the intersection of said line and the harbor line of the westerly side of Fort Point channel as established by section two of chapter one hundred and seventy of the acts of eighteen hundred and eighty; thence southwesterly by said harbor line to point I of the harbor line established by section two of said chapter one hundred and seventy; thence southwesterly by the harbor line by the arc of a circle having a radius of three hundred and thirty-eight feet about one hundred and fifty-seven feet to point H' as established by section one of chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-nine; thence by the harbor line to the left by the arc of a circle having a radius of seven hundred and fifty feet to a point G', said G' being the intersection of said arc and the harbor line as established by section one of chapter two hundred and thirty-two of the acts of eighteen hundred and seventy-three.

(j) The word "project" shall mean the Mystic River bridge, the airport properties, the port properties, or any additional facility financed or acquired under the provisions of this act, together with all property, rights, easements and interests pertaining thereto or acquired for the construction or the operation thereof.

(k) The word "series" shall apply to any revenue bonds or revenue refunding bonds issued serially under the provisions of sections eight, nine or nineteen, or to any additional bonds of the same series issued under the provisions of section ten.

(l) The word "treasurer" shall mean the treasurer and receiver-general of the commonwealth.

(m) The word "Trustee" shall mean the bank or trust company act-

ing as trustee under the trust agreement hereinafter mentioned.

(n) The term "trust agreement" shall mean the trust agreement made and entered into by and between the Authority and the Trustee under the provisions of section twelve.

SECTION 2. Section 3 of said chapter 465 is hereby amended by striking out paragraphs (e) and (i) and inserting in place thereof the following paragraphs: —

(e) To construct or acquire additional facilities;

(i) To fix and revise from time to time and charge and collect tolls, rates, fees, rentals and other charges for the use of any project under its control; provided, however, that in revising or fixing the tolls for the use of the Mystic River bridge, the Authority shall give at least ten days' notice of the new schedule of tolls by publishing at least once in a daily newspaper of general circulation in the city; and provided, further, that no toll or charge for the use of any highway, bridge or tunnel of the Authority shall be collected for the passage of vehicles of the Metropolitan Transit Authority;

SECTION 3. Section 4 of said chapter 465 is hereby amended by striking out the seventh and eighth paragraphs.

SECTION 4. Section 6 of said chapter 465 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: — Upon the issuance of revenue bonds under the provisions of section eight and the application of the proceeds of said bonds as provided in said section eight (1) and (2), title to the port properties shall be vested in the Authority and the possession of the port properties shall be transferred to the Authority; provided, however, that the Authority shall pay to the treasurer within the first ninety days of each fiscal year the net revenues of the preceding fiscal year, if any, of the port properties, including any extensions, enlargements and improvements thereof, after deducting therefrom an amount equal to the principal and interest requirements of such preceding fiscal year as computed by the Authority for all bonds issued under the provisions of section eight (c) and section nine for the purpose of constructing any extensions, enlargements or improvements of said properties, together with a sum which represents the amount of the overhead costs of the Authority allocated to the port properties by the Authority. The term "net revenues" as applied to this section shall mean the revenues of said properties over and above the current expenses for said properties, reserves for such purposes, the cost of renewals and replacements and the cost of acquiring and installing equipment.

SECTION 5. Said chapter 465 is hereby further amended by striking out section 8 and inserting in place thereof the following section: —

Section 8. Issuance of Revenue Bonds. — The Authority is hereby authorized and empowered to provide by resolution for the issuance of revenue bonds of the Authority, at one time or from time to time, for the purpose of providing funds for: —

(a) Refunding the Mystic River Bridge Revenue Bonds then outstanding, including the payment of the redemption premium thereon;

(b) Making the payments to the treasurer which are provided for in section five and making the payments required to be made by chapters four hundred and eighty-four and seven hundred and twelve of the acts of nineteen hundred and fifty-seven;

(c) Paying the cost of constructing such extensions, enlargements and improvements of the airport properties and the port properties as may be authorized by said resolution; and

(d) Providing funds for paying the current expenses of the Authority prior to the time when the revenues of the projects will be available for such purposes and for reimbursing the commonwealth for sums paid the Authority under section twenty-six.

The proceeds of such bonds shall be deposited with the Trustee and applied as follows: —

(1) Such amount of the proceeds as may be required for paying the principal of and the redemption premium on the Mystic River Bridge Revenue Bonds then outstanding shall be deposited with the trustee under the trust agreement securing said bonds in trust for the sole and exclusive purpose of paying such principal and redemption premium, and said bonds shall thereupon be called for redemption at the earliest practicable date. The amount required for paying the interest which will accrue on said bonds from the last interest payment date to the date designated for the redemption of said bonds shall be withdrawn from the Mystic River bridge interest and sinking fund, a special fund created under the provisions of said trust agreement, and applied to the payment of such interest;

(2) There shall be paid to the treasurer the sums provided in section five and the payments required by chapters four hundred and eighty-four and seven hundred and twelve of the acts of nineteen hundred and fifty-seven shall be made;

(3) The Trustee shall set aside from such proceeds such amount as may be provided in the trust agreement for paying the current expenses of the Authority prior to the time when the revenues of the projects will be available for such purpose;

(4) The balance of such proceeds shall be deposited with the Trustee to the credit of a special fund or funds to be used solely for the payment of the cost of the extensions, enlargements and improvements of the airport and port properties which shall be authorized by said resolution and shall be disbursed in such manner and under such restrictions as may be provided in the trust agreement.

SECTION 6. The first paragraph of section 10 of said chapter 465 is hereby amended by striking out, in lines 7 and 40, the word "four" and inserting in place thereof, in each instance, the word: — five.

SECTION 7. Said chapter 465 is hereby further amended by striking out section 12 and inserting in place thereof the following section: — *Section 12. Trust Agreement.* The bonds issued under the provisions of this act shall be secured by a trust agreement by and between the Authority and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. The Authority shall appoint a financial advisor, whose appointment shall be subject to approval by the governor. Such advisor shall be an individual, firm or corporation of established reputation in the field of finance and investment who, before any trust agreement is executed by the Authority, shall certify in a writing filed with the commissioner of administration and with the Authority that such trust agreement fully protects the public interest affected by its provisions. The governor's approval of such advisor shall be conclusively

evidenced by a writing to that effect filed with the commissioner of administration and with the Authority. Such trust agreement may pledge or assign the tolls and other revenues of the projects on account of which the bonds secured by such trust agreement shall be issued, but shall not convey or mortgage any project or any part thereof. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition or construction of any project and the extension, enlargement, improvement, maintenance, operation, repair and insurance of the projects and the custody, safeguarding and application of all moneys and may contain provisions for the employment of consulting engineers in connection with any such construction and the operation of such projects. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository of the proceeds of the bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such trust agreement shall set forth the rights and remedies of the bondholders and of the Trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expenses.

SECTION 8. Said chapter 465 is hereby further amended by striking out section 13 and inserting in place thereof the following section:—

Section 13. Operation of Bridge. — Upon the issuance of revenue bonds under the provisions of section eight and the application of the proceeds of said bonds as provided in said section eight (1), title to the Mystic River bridge shall be vested in the Authority, said bridge shall thereafter be maintained, repaired and operated by the Authority, the trustee under the trust agreement securing the outstanding Mystic River Bridge Revenue Bonds shall deposit with the Trustee for the credit of the appropriate funds all moneys then in its hands which pertain to the Mystic River bridge and the Mystic River Bridge Authority shall be dissolved.

SECTION 9. Said chapter 465 is hereby further amended by striking out section 14 and inserting in place thereof the following section:—

Section 14. Revenues. — The Authority is hereby authorized to fix, revise, charge and collect tolls, rates, fees, rentals and other charges for the use of each project, and to contract with any person, partnership, association or corporation desiring the use of any part of a project and its approaches and appurtenances for any proper purpose, and to fix the terms, conditions, rents and rates or charges for such use including such commutation rate of a uniform nature for the users of the bridge facilities as the Authority may deem desirable. Such tolls, rates, fees, rentals and other charges shall be so fixed and adjusted in respect of the aggregate thereof from the projects under the control of the Authority as to provide a fund sufficient with other revenues, if any, (a) to pay the current expenses of the Authority, (b) to pay the principal of and the interest on all bonds issued under the provisions of this act as the

same become due and payable, (c) to create reserves for such purposes, (d) to make any payments which may be required under the provisions of section six, (e) to provide funds for making the investigations, studies, surveys and estimates authorized in section three, and (f) to provide funds for paying the cost of renewals or replacements, the cost of acquiring or installing equipment and the cost of enlarging, extending, reconstructing or improving any project or projects. Such tolls, rates, fees, rentals and other charges shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof.

The Authority is further authorized to pledge such amount of such tolls and other revenues, over and above the amounts necessary to pay such current expenses and to provide such reserves therefor as may be provided for in the trust agreement, to the payment of the interest on and the principal of the bonds issued under the provisions of this act. The moneys so pledged shall be set aside at such regular intervals and in such amounts as may be provided in the trust agreement in a sinking fund for the payment of such interest, principal and the redemption price or purchase price of such bonds. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. The balance of such tolls and other revenues not needed for such sinking fund requirements shall be applied to the purposes set forth in clauses (d), (e) and (f) of this section as may be provided in the trust agreement.

No trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the trust agreement. Except as may otherwise be provided in the trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

SECTION 9A. Said chapter 465 is hereby further amended by striking out section 20 and inserting in place thereof the following section:—

Section 20. Freedom from Competition.— After the effective date of this act and so long as any bonds issued under the provisions thereof shall be outstanding, no bridge, tunnel or ferry, for vehicular traffic, shall be constructed by the commonwealth or any political subdivision thereof or by any public instrumentality, over, under or across the Mystic river between its junction with the Chelsea creek and a point one mile upstream from the location of the bridge authorized by chapter five hundred and sixty-two of the acts of nineteen hundred and forty-six and no franchise shall be granted for the construction or operation of such a bridge, tunnel or ferry.

SECTION 10. Said chapter 465 is hereby further amended by striking out section 22 and inserting in place thereof the following section:—

Section 22. Transfer of Employees.— Upon the control of the Mystic River bridge, the airport properties or the port properties becoming vested in the Authority, the employees of said projects whose work is

directly related to such projects shall be transferred to the Authority and shall continue to perform the same duties at a salary not less than theretofore and every employee so transferred who immediately prior to such transfer was subject to section nine A of chapter thirty or to chapter thirty-one of the General Laws under a permanent appointment and who has served a probationary period shall continue to serve subject to the provisions of said section nine A of chapter thirty or to sections forty-three and forty-five of said chapter thirty-one as the case may be, whether or not thereafter reclassified, and shall retain all rights to holidays, sick leave and vacations in effect on the effective date of this act; provided, that any person transferred who was not subject to said section nine A or said chapter thirty-one and persons appointed after the effective date of this act shall not be subject to said section nine A of chapter thirty or to any provisions of said chapter thirty-one.

Every employee who upon transfer to the Authority is covered by the group insurance provided by chapter thirty-two A of the General Laws shall continue in uninterrupted coverage and all other employees of the Authority are hereby likewise made eligible for said group insurance to the same extent as if they were employees of the commonwealth; provided, that the share of the commonwealth of the cost of such insurance shall, with respect to the employees of the Authority, be borne by said Authority. The Authority shall forward its contribution, together with all amounts withheld from the salaries or wages of its employees as provided in paragraph (a) of section eight of said chapter thirty-two A and all amounts paid by an employee as provided in paragraph (b) of said section, to the state employees group insurance commission at such time and in such manner as said commission may prescribe.

Every employee who immediately prior to being transferred to the Authority by this section is a member of the state retirement system shall continue to be a member thereof and subject to the laws applicable thereto. All other employees of the Authority shall be required to become members of the state retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the commonwealth. Employees of the Mystic River Bridge Authority upon becoming members of the state retirement system shall be allowed as creditable prior service the period of their employment by the Mystic River Bridge Authority under federal old age and survivors insurance laws. The Authority shall deduct from the wages of its employees and pay over to the state retirement board such sums as the commonwealth would deduct and pay over if such person were an employee of the commonwealth.

The Authority shall reimburse the commonwealth for its proportionate share of any amounts expended by the commonwealth under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of its employees.

Every person who immediately prior to being transferred to the Authority was subject to the provisions of sections fifty-six to sixty, inclusive, of chapter thirty-two of the General Laws, shall continue subject to the provisions of said sections; provided, however, that the words "retiring authority", as used in said sections shall mean the members of said Authority; and provided, further, that the amount of all retirement allowances payable under said sections by virtue of this

act shall be paid by the Authority, and the commonwealth shall reimburse the Authority for its proportionate share of any amounts so paid. Upon the retirement of any such person under said sections fifty-six to sixty, inclusive, the state retirement board shall refund to the person so retired the amount of his accumulated deductions.

SECTION 11. Said chapter 465 is hereby further amended by striking out section 23 and inserting in place thereof the following section: — *Section 23. Miscellaneous.* — Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale or lease of any property, either real or personal, to, or in the purchase or lease of any property from, the Authority shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

The Authority may call upon the department of public works, the metropolitan district commission, the department of commerce, the department of public safety, the planning board of the city, and such other state or city boards, commissions, divisions or agencies as may be deemed advisable for the purposes of assisting in making investigations, studies, surveys and estimates, and in policing the projects, and the Authority may arrange for payment for such services and expenses of said agencies in connection therewith.

All maps, charts, plans, records and all other related documents and equipment pertaining to the acquisition, construction, maintenance and operation of the airport properties and the port properties which are in the possession of the division of building construction of the commission on administration and finance, the state airport management board and the Port of Boston Commission upon the transfer of those properties to the Authority shall be transferred and delivered to the Authority.

Any action taken by the Authority under the provisions of this act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

Each project shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, tolltakers and other operating employees as the Authority may in its discretion employ.

Any person who uses any project and fails or refuses to pay the toll provided therefor shall be punished by a fine of not more than one hundred dollars to be paid to the Authority or by imprisonment for not more than thirty days or both, and in addition thereto the Authority shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges in connection therewith shall have been paid.

Until the projects of the Authority shall have come under the control of the general court under the provisions of section twenty-five, the Authority shall be liable to any persons sustaining bodily injury or damage in or on its property by reason of a defect or want of repair of ways in or on said projects to the same extent as though said ways were ways within the meaning of sections fifteen, eighteen, and nineteen of chapter eighty-four of the General Laws, and shall be liable for the death of any person caused by such defect or want of repair to the same

extent as is provided in chapter two hundred and twenty-nine of the General Laws. Any notice of such injury, damage or death required by law shall be given to any member of the Authority or to the secretary-treasurer of the Authority.

The commonwealth, acting by the military division, shall have the right, in connection with the retention of title to a portion of Logan Airport, as provided in sections one (a), three (k), and four, to use for purposes of the air national guard the facilities of said airport necessary or proper for the air national guard to perform its present or future assigned missions. Such facilities shall include, but are not limited to, the use of runways, taxiways, services of the control tower, the right of ingress and egress, utilities and the like. For the use of such facilities there shall be paid to the Authority such reasonable compensation as, subject to appropriation, may be agreed. The treasurer is authorized and directed to pay to the Authority such sums as he may receive under existing or future leases or service agreements between the commonwealth and the United States executed in connection with the use of Logan Airport by the air national guard.

SECTION 12. Said chapter 465 is hereby further amended by striking out section 32 and inserting in place thereof the following section: — *Section 32.* Upon title to the airport properties becoming vested in the Authority under the provisions of section five of this act, sections fifty-nine A to fifty-nine C, inclusive, of chapter six of the General Laws and sections fifty A to fifty L, inclusive, of chapter ninety of the General Laws shall be inoperative and cease to be effective, and no bonds of the commonwealth shall thereafter be issued under the provisions of chapters four hundred and eighty-four and seven hundred and twelve of the acts of nineteen hundred and fifty-seven.

SECTION 13. Said chapter 465 is hereby further amended by striking out section 35.

Approved October 3, 1958.

CHAP. 600. AN ACT RELATIVE TO THE ESTABLISHMENT OF RATES TO BE PAID BY THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS FOR NURSING OR CONVALESCENT HOME CARE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to establish procedures for fixing the rates to be paid by the commonwealth or its political subdivisions for nursing or convalescent home care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and welfare.

Be it enacted, etc., as follows:

Chapter 7 of the General Laws is hereby amended by striking out section 30L, as amended by chapter 480 of the acts of 1958, and inserting in place thereof the following section: — *Section 30L.* The director of hospital costs and finances shall, after hearing, determine at least as often as annually, the per diem rate or rates to be paid to nursing or convalescent homes, as defined in section seventy-one of chapter one hundred and eleven, by the various departments, boards or commissions of the commonwealth, or by the various subdivisions of the commonwealth receiving reimbursement therefor, in whole or in part, from the commonwealth and may establish fair and reasonable classification or

classifications of such rate or rates. Such rates shall be adequate and reasonable and shall include a fair return on invested capital. The determination of the per diem rate or rates as provided in this section shall be deemed a "regulation" as defined in paragraph (5) of section one of chapter thirty A.

Each nursing or convalescent home shall file with the director from time to time, on request, such data, statistics, schedules or information as he may reasonably require to enable him to determine the rate or rates. The director shall have the power to examine the books and accounts of any such nursing or convalescent home, if in his opinion such examination is necessary to determine such rates. Any person conducting such nursing or convalescent home, who fails to furnish any such data, statistics, schedules or information as requested, or who files fraudulent returns thereof, shall be punished by a fine of not more than fifty dollars. Upon notice from the director, no city or town shall thereafter purchase care in a nursing or convalescent home failing to file such data, statistics or information as requested with the director, until such time as the director advises such city or town that his order prohibiting the purchase of such care has been rescinded.

If a person conducting a nursing or convalescent home believes that the rate so established is inadequate, unreasonable, or does not include a fair return on invested capital in the case of such nursing or convalescent home in particular, he may, within sixty days after the date such rate was established, file an appeal with the director for a determination of a rate for such nursing or convalescent home. If the director does not determine a rate for such nursing or convalescent home the person conducting said home may file a further appeal for the determination of a rate for such home in accordance with the provisions of section fourteen of chapter thirty A.

Approved October 3, 1958.

CHAP. 601. AN ACT AUTHORIZING THE USE OF CERTAIN FUNDS FOR THE PREPARATION OF PLANS FOR AN ENGINEERING BUILDING AND A COMBINED LIBRARY AND STUDENT-UNION BUILDING AT THE BRADFORD DURFEE COLLEGE OF TECHNOLOGY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for the preparation of plans for certain buildings at the Bradford Durfee College of Technology, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Item 8157-27 of section 2 of chapter 711 of the acts of 1956 is hereby amended by inserting after the word "For", in line 1, the following: — the preparation of plans for an engineering building and a combined library and student-union building and for.

SECTION 2. Item 8258-32 of section 2 of chapter 763 of the acts of 1957 is hereby amended by striking out the wording and inserting in place thereof the following: — For the preparation of plans for an engineering building and a combined library and student-union building, to be in addition to the amount appropriated in item 8157-27 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six.

Approved October 3, 1958.

CHAP. 602. AN ACT RELATIVE TO EXPENDITURES FOR THE CARE, MAINTENANCE AND REPAIR OF TUBERCULOSIS HOSPITALS IN CERTAIN COUNTIES.

Whereas, The deferred operation of this act would result in unnecessarily extending the period during which expenditures by certain counties for tuberculosis hospital purposes would be made without express authorization therefor by the general court, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The trustees of the Bristol county tuberculosis hospital and the county commissioners of the other counties hereinafter specified are hereby authorized to expend for the year nineteen hundred and fifty-eight the sums set forth in this act for the care, maintenance and repair of the county tuberculosis hospitals within their respective counties, and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws, as amended.

The sums set forth are based upon detailed schedules approved by the joint committee on counties, copies of which are deposited with the director of accounts.

Said director shall file with said trustees and said county commissioners and with the county treasurer a certification of the amounts set forth in the approved schedules for such hospitals. Except as provided by this act or except as otherwise provided by law, no liability may be incurred and no expenditure shall be made in excess of the amount available in an existing main group, a class or a sub-class.

Transfers from a main group to another main group may be made upon written request of said trustees or said county commissioners with the written approval of the director of accounts and copies of said request and approval shall be filed with the county treasurer.

Transfers within an appropriation between classes and between sub-classes within a main group may be made by said trustees or said county commissioners whenever in their opinion public necessity and convenience so requires; provided, however, that no transfer shall be made within the classes of the main group "personal services".

Amounts included for permanent positions in sums appropriated herein for personal services are based upon schedules of permanent positions and salary rates as approved by the joint committee on counties, and, except as otherwise shown by the files of said committee, a copy of which shall be deposited with the county personnel board, no part of sums so appropriated shall be available for payment of salaries of any additional permanent positions, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent positions, notwithstanding any special or general act to the contrary.

No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of said trustees and said county commissioners with the approval of the director of accounts.

BRISTOL COUNTY.

Item	
1. For personal services	\$245,225 81
2. For contractual services	31,300 00
3. For supplies and materials	92,760 00
4. For current charges and obligations	25,044 00
5. For equipment	8,225 00
7. For land and nonstructural	200 00
9. For debt and interest	14,000 00
10. For unpaid bills of previous years	250 00
11. For reserve fund	2,500 00
12. For group insurance	3,500 00
For total expenditures	\$422,994 81

ESSEX COUNTY.

Item	
1. For personal services	\$779,168 82
2. For contractual services	49,950 00
3. For supplies and materials	257,500 00
4. For current charges and obligations	84,395 48
5. For equipment	10,500 00
9. For debt and interest	20,000 00
10. For unpaid bills of previous years	4,000 00
11. For reserve fund	10,000 00
12. For group insurance	13,000 00
14. For accident insurance	7,500 00
For total expenditures	\$1,236,014 30

MIDDLESEX COUNTY.

Item	
1. For personal services	\$970,386 71
2. For contractual services	70,495 00
3. For supplies and materials	277,190 00
4. For current charges and obligations	55,008 25
5. For equipment	12,170 00
9. For debt and interest	27,000 00
10. For unpaid bills of previous years	1,800 00
11. For reserve fund	10,000 00
12. For group insurance	15,000 00
For total expenditures	\$1,439,049 96

NORFOLK COUNTY.

Item		
1.	For personal services	\$600,067 90
2.	For contractual services	50,400 00
3.	For supplies and materials	226,200 00
4.	For current charges and obligations	27,630 47
5.	For equipment	4,000 00
9.	For debt and interest	12,500 00
11.	For reserve fund	10,000 00
12.	For group insurance	9,000 00
For total expenditures		\$939,798 37

PLYMOUTH COUNTY.

Item		
1.	For personal services	\$447,264 19
2.	For contractual services	44,285 00
3.	For supplies and materials	155,950 00
4.	For current charges and obligations	38,635 42
5.	For equipment	10,200 00
7.	For land and nonstructural	1,000 00
9.	For debt and interest	11,800 00
11.	For reserve fund	10,000 00
12.	For group insurance	8,140 04
For total expenditures		\$727,274 65

WORCESTER COUNTY.

Item		
1.	For personal services	\$591,163 14
2.	For contractual services	66,485 00
3.	For supplies and materials	193,700 00
4.	For current charges and obligations	41,120 95
5.	For equipment	11,947 80
9.	For debt and interest	8,500 00
10.	For unpaid bills of previous years	262 16
11.	For reserve fund	5,000 00
12.	For group insurance	10,500 00
For total expenditures		\$928,679 05

Approved October 3, 1958.

CHAP. 603. AN ACT INCORPORATING THE MASSACHUSETTS STATE OFFICE BUILDING ASSOCIATION AS A NON-PROFIT MEMBERSHIP CORPORATION FOR THE PURPOSE OF CONSTRUCTING A STATE OFFICE BUILDING TO HOUSE VARIOUS DEPARTMENTS, COMMISSIONS AND AGENCIES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is as soon as may be to provide urgently needed facilities in the city of Boston for various state departments, commissions and agencies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Anthony N. DiNatale of Milton, William F. Callahan of Newton, Otis M. Whitney of Concord, and their successors, are hereby made a corporation, by the name of Massachusetts State Office Building Association, hereinafter referred to as the Association, for the purpose of constructing a state office building, to contain not less than five hundred thousand square feet of office space, for office, restaurant, garage, meeting and other like facilities for the use of the commonwealth and boards, departments, commissions and officers and employees thereof. Said building shall be constructed within the area bounded by Ashburton place, Somerset street, Cambridge street and Bowdoin street, in the city of Boston, said area being a part of the government center project, so called, and the Association may construct an underground passageway or passageways connecting said building with the state house and other public buildings and facilities.

SECTION 2. The Association may install in said building such elevators, moving stairways, escalators, plumbing, heating, air conditioning, electrical, food preservation, preparation and handling, dishwashing and like fixtures, machinery and equipment as the board of directors of the Association may deem necessary or desirable, but shall not be required to furnish or install any furniture or furnishings. The Association may also install in said passageway or passageways any machinery and equipment necessary or desirable, in the opinion of the board of directors of the Association, for conveying passengers and materials through the same.

SECTION 3. The principal office of the Association shall be located in the city of Boston.

SECTION 4. The incorporators named in section one and their successors shall constitute the members of said Association and its board of directors. In the event of the death, resignation or incapacity of any member and director, his successor shall be elected by the remaining member or members in such manner as may be provided in the by-laws of the Association; provided, however, that at any time when there are two surviving members and directors of the Association who are members of the same political party no person who is a member of that party shall be eligible for election as a member and director of the Association. In the event that at any time there shall not be any surviving member and director of the Association capable of acting as such

the Association shall not be dissolved, but three successor members shall be appointed by the commissioner of corporations and taxation, provided that in such event not more than two of such appointees shall be members of the same political party.

SECTION 5. Said directors shall elect a president and a clerk from their number. Said directors shall appoint a treasurer and such other officers as they deem necessary, and may prescribe their duties and fix their tenure of office and compensation.

No funds of the Association shall be paid to or distributed among its members other than as reimbursement for their actual expenses reasonably and necessarily incurred in the discharge of their duties, but all such funds shall be devoted solely to the carrying out of the purposes of this act.

SECTION 6. The Association shall have and may exercise the powers conferred upon corporations by sections six, seven and eight of chapter one hundred and fifty-five of the General Laws and in addition thereto may —

(a) Employ engineers, architects, attorneys, accountants, construction and financial experts and such other experts and advisers as may be necessary in the discretion of the board of directors, and fix their compensation;

(b) Receive and accept from the federal government or any federal agency grants for or in aid of the carrying out of the purposes for which the Association is created, and receive any aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied only for the carrying out of said purposes; and

(c) Do all acts and things necessary or convenient to carry out said purposes and powers.

SECTION 7. The Association may hold both real and personal property in such amount as the board of directors of the Association may deem necessary or desirable for the purposes for which it is created, and, acting by its board of directors, may acquire such property by purchase, gift or otherwise, on such terms and conditions and in such manner as the board of directors may deem proper. After the lease hereinafter provided for shall have been entered into between the Association and the commonwealth, and after the Association shall have issued its bonds hereinafter provided for, the Association, acting by its board of directors, may take by right of eminent domain any fee simple absolute or any lesser interest in such property, both public and private, including, but not limited to, public lands and improvements thereon, ways, streets and parks, or parts thereof, or rights or interests therein, as the board of directors of the Association may deem necessary or desirable for the purposes for which it is created, and shall award and pay the damages, if any, sustained by persons in their property by reason of such taking. The provisions of sections one, three, four, eight, nine, ten, twelve, thirteen, fourteen, sixteen through thirty-nine, forty-one, forty-two, forty-three, and forty-four A of chapter seventy-nine of the General Laws shall apply to any such taking or takings, but said chapter seventy-nine shall not otherwise apply thereto.

The Association may sell the buildings or other structures upon any lands taken by it, or may remove the same. The proceeds of any such sale shall be applied in such manner as the board of directors may deter-

mine, or be deposited with the trustee appointed by the Association under the provisions of this act for the payment, purchase or redemption of, or payment of interest on, any bonds or other evidences of indebtedness issued by the Association under the provisions of this act.

SECTION 8. The commissioner of administration may, in the name of and for the commonwealth, and with the approval of the governor and council, enter into a contract of lease with the Association of the state office building, and any incidental structure, facility, passageway or passageways constructed hereunder for such period and upon such other terms as the said commissioner and the Association shall determine. All property so leased shall become the property of the commonwealth upon the payment in full of all obligations incurred hereunder by the Association with respect thereto.

SECTION 9. The Association shall have no power to sell, lease, mortgage, pledge or otherwise dispose of or encumber any of its property or any right or interest therein except as in this act expressly provided, and except for the granting of easements which the board of directors of the Association shall determine not to interfere with the construction or enjoyment of the facility.

SECTION 10. The Association may borrow money, but not more than thirty million dollars, to carry out the purposes of this act, and may pledge as security for the payment thereof all or any part of the rentals receivable under such lease as may be made hereunder by the Association to the commonwealth. Such rentals so pledged and thereafter received by the Association shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Association, irrespective of whether such parties have notice thereof.

Such borrowing, except temporary loans made in anticipation of permanent financing, shall, unless the loan shall be made and retained by a single investor or by a group of investors acting as a unit, be represented by bonds or other evidences of indebtedness issued under a trust agreement between the Association and a corporate trustee organized under the laws of the commonwealth defining the form and terms of such bonds or other evidences of indebtedness, the security therefor and for the obligations of the Association under such trust agreement and the rights and obligations thereunder of the Association, such trustee and the holders of such bonds or other evidences of indebtedness, all on such terms as the board of directors of the Association shall authorize. Any such bond or evidence of indebtedness so issued shall be signed by the president of the Association, and the official seal of the Association, attested by the clerk of the Association, shall be affixed thereto, and any coupons attached thereto shall bear the facsimile signature of the president of the Association, but any or all of such signatures and such seal may be facsimile if said bonds or other evidences of indebtedness shall be authenticated by the corporate trustee aforesaid. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or other evidences of indebtedness or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

All bonds or other evidences of indebtedness issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth.

The Association may sell such bonds or other evidences of indebtedness in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Association.

Bonds or other evidences of indebtedness may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth, and without any other proceedings or the happening of any other conditions or things than the proceedings, conditions or things which are specifically required by this act and the provisions of chapter one hundred and ten A of the General Laws shall not apply thereto.

SECTION 11. The Association shall not be required to pay any taxes or assessments upon the state office building, and any incidental structure, facility, passageway or passageways constructed or any property acquired or used by the Association under the provisions of this act or upon the income therefrom, and the bonds or other evidences of indebtedness issued under the provisions of this act, their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the commonwealth.

SECTION 12. The Association shall pay the sum of two hundred thousand dollars annually to the city of Boston until the state office building shall have become the property of the commonwealth hereunder. The first such payment shall be made in the year in which the Association shall first receive the proceeds from any borrowing, other than a temporary loan made in anticipation of permanent financing, hereunder.

SECTION 13. Bonds or other evidences of indebtedness issued by the Association under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds or other evidences of indebtedness are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifty of chapter one hundred and sixty-eight of the General Laws.

SECTION 14. No bonds or other evidences of indebtedness issued by the Association under the provisions of this act shall constitute a debt of the commonwealth or a pledge of the faith and credit of the commonwealth, but such bonds or other evidences of indebtedness shall be payable solely from the funds of the Association.

SECTION 15. This act shall be liberally construed to effect the purposes hereof.

SECTION 16. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent

jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 17. The provisions of chapter four hundred and fifty-seven of the acts of eighteen hundred and ninety-nine and of chapter five hundred and twenty-five of the acts of nineteen hundred and one and of all other general or special laws, or parts thereof, inconsistent herewith and of any zoning ordinance of the city of Boston are declared to be inapplicable to the state office building, or any other facility or structure constructed under the provisions of this act. The provisions of section four of chapter sixteen of the General Laws shall not apply to the provisions of this act.

SECTION 18. Section twelve of chapter sixty-three of the General Laws is hereby amended by inserting after paragraph (r) inserted by section eleven of chapter seven hundred and one of the acts of nineteen hundred and fifty-seven, the following paragraph: —

(s) Bonds or evidences of indebtedness issued by the Massachusetts State Office Building Association. *Approved October 3, 1958.*

CHAP. 604. AN ACT FURTHER REGULATING THE DISPOSAL OF CONTAINERS USED FOR REFRIGERATIVE PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to immediately extend the provisions of law requiring an owner of certain containers used for refrigerative purposes to remove the door thereof before discarding the same so that said provisions shall apply to any person discarding such a container whether or not such person is the owner thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

Chapter 271 of the General Laws is hereby amended by striking out section 46, as amended by section 1 of chapter 191 of the acts of 1954, and inserting in place thereof the following section: — *Section 46.* Whoever discards or sets aside for failure to use a container originally used for refrigerative purposes without first removing the door or doors, unless the container may be easily opened from the inside, shall be punished by a fine of not more than one hundred dollars.

Approved October 3, 1958.

CHAP. 605. AN ACT ESTABLISHING A MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES AND PROVIDING FOR THE ESTABLISHMENT OF REGIONAL COMMUNITY COLLEGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for an expanded regional higher educational program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 15 of the General Laws is hereby amended by adding at the end the following section: — *Section 27.* There is hereby established in the department, but not subject to its control, a Massa-

achusetts board of regional community colleges, hereinafter called the board, which shall consist of fifteen members, including the commissioner of education, the president of the university of Massachusetts, a president of a state teachers college elected annually by the presidents of the state teachers colleges including the Massachusetts school of art, a president of a Massachusetts technical institute elected by the presidents of such technical institutes, and eleven members appointed by the governor with the advice and consent of the council, at least one of whom shall be the president of a private college, university, or junior college in the commonwealth. The members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. The governor, in his initial appointments, shall designate three members to serve for six years, three members for five years, two members for four years, one member for three years, one member for two years, and one member for one year. Upon the expiration of the term of office of a member of the board his successor shall be appointed for a term of six years. The governor shall from time to time designate one of the members as chairman. The board shall appoint and fix the duties of a chief administrative officer, to be known as the president of the Massachusetts regional community colleges, and may employ and fix the duties of such other persons and expend such funds as are necessary to carry out the functions of the board, within the limits of the amounts appropriated therefor. The board is hereby authorized and empowered to receive and use such private foundation funds or such federal funds as may be available in the carrying out of its functions. Said president and all employees of the regional community colleges shall receive such compensation as the board shall determine, and shall not be subject to chapter thirty-one.

The duties of the board shall include the determination of the need for education at the community and junior college level throughout the commonwealth, and the development and execution of an over-all plan to meet this need. The board shall then establish and maintain regional community colleges at suitable locations in accordance with this plan. The board shall have the power to construct, lease or otherwise provide any facilities required for these colleges, including the right to take land for such purposes by eminent domain under the provisions of chapter seventy-nine. The board may also enter into agreements for the use of local facilities with a local school committee or other local authority or jointly with local school committees or other authorities of two or more cities or towns; provided, that the board and the local school committee or committees or other local authorities, shall have the right to review this agreement for the use of local facilities at any time. The board may, upon six months' notice and after consultation with the local school committee or committees or other authorities, require changes in such an agreement or discontinue the agreement. The school committee or school committees or other local authorities may discontinue the agreement at the close of any academic year, provided at least six months' notice is given to the board.

The board shall have general supervision and control of regional community colleges established under the provisions of this section, shall select the dean and other officers of each college and shall define their duties and tenure of office.

The board shall have complete authority with respect to the election or appointment of officers and professional staff, including their dismissal, promotion, demotion and transfer, including the assignment of their respective ranks and duties within quotas and titles established in the appropriation act by the general court. For the purposes of this section, professional staff shall include all persons employed for actual instruction of students and corresponding positions in the fields of experiment, extension, law enforcement and related activities.

The board may hire such professional personnel at a rate above the minimum and within the grade to which the position is allocated upon determination by the board that the person to be employed has served satisfactorily in a comparable position for a period of time equivalent to the period required by the general salary schedule had such service been entirely in the service of the commonwealth.

The board may, without prior approval, within the limits of appropriation made therefor, engage consultants and lecturers and employ such temporary professional employees at rates and in titles corresponding to permanent positions authorized for these colleges as they shall determine necessary for the operation of the colleges for periods not exceeding the fiscal year.

The board may, notwithstanding the provisions of section twenty-one of said chapter thirty, authorize the payment of overtime or extra compensation to such professional employees, within the limits of appropriations made therefor, for such services rendered in summer sessions or other periods outside the session periods of the normal academic year; provided, that the trustees shall determine that such services shall not interfere with regular full-time activities as provided by law required of such professional employees. The board shall establish the curricula which shall be substantially equivalent to the first two years of college education, including post-high school professional or vocational education, and may establish programs of adult education; shall fix the tuition to be charged, and may grant the degree of Associate in Arts or Associate in Science, or both such degrees, to persons who complete the required courses of instruction in such colleges.

Each regional community college established under this section shall have an advisory board to consist of ten members appointed by the governor. The members shall be residents of the region served by the college. In the initial appointments, two members shall be appointed to serve for five years, two for four years, two for three years, two for two years, and two for one year. Upon the expiration of the term of a member of an advisory board his successor shall be appointed for a term of five years. At least one member of each advisory board shall be a representative of business, and one shall be a representative of labor.

SECTION 2. Chapter 71 of the General Laws is hereby amended by inserting after section 80, inserted by chapter 127 of the acts of 1958, the following section: — *Section 81.* Notwithstanding the provisions of sections seventy-five to seventy-nine, inclusive, no junior college shall be established by a city or town after January first, nineteen hundred and fifty-nine.

SECTION 3. Chapter 73 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 309 of the acts of 1957, and inserting in place thereof the following section: —

Section 7. The department may grant the degree of Bachelor of Education or of Bachelor of Science in Education to any person completing a four-year course in a Massachusetts state teachers college, and the degree of Master of Education to graduates of colleges or universities who have satisfactorily completed a graduate course of instruction in any such teachers college. The department may grant the degree of Bachelor of Fine Arts to any student at the Massachusetts school of art upon the successful completion of certain four-year prescribed courses in the field of fine arts.

SECTION 4. Section 9 of said chapter 73, added by section 4 of chapter 620 of the acts of 1948, is hereby repealed.

Approved October 3, 1958.

CHAP. 606. AN ACT PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, OPERATION OR LEASING OF A GARAGE FOR THE PARKING OF MOTOR VEHICLES UNDER BOSTON COMMON IN THE CITY OF BOSTON AND CREATING THE MASSACHUSETTS PARKING AUTHORITY, DEFINING ITS POWERS AND DUTIES, AND PROVIDING FOR THE FINANCING OF SUCH GARAGE.

Be it enacted, etc., as follows:

SECTION 1. *Declaration of Necessity.* — It is hereby declared that the free circulation of traffic of all kinds through the streets of the city of Boston is necessary for the rapid and effective fighting of fires and disposition of police forces in said city and for the health, safety and general welfare of the public, whether residing in said city or traveling to, through or from said city in the course of lawful pursuits; that in recent years the parking of motor vehicles in the streets of said city has so substantially impeded such free circulation of traffic as to constitute at the present time a public nuisance endangering the health, safety and welfare of the general public, as well as endangering the economic life of said city; that this parking nuisance is not capable of being adequately abated except by the construction and operation of a garage under Boston Common in said city; that notwithstanding chapter two hundred and ninety-four of the acts of nineteen hundred and forty-six, and subsequent acts amendatory thereof, and chapter seven hundred and one of the acts of nineteen hundred and fifty-seven, such a garage has not been constructed; and a public exigency exists which makes the provisions of this act a public necessity.

SECTION 2. *Definitions.* — As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent: —

(a) "Authority" shall mean the Massachusetts Parking Authority, created by section three of this act, or, if said Authority shall be abolished, the board, body, authority or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

(b) "City" shall mean the city of Boston.

(c) "Cost of the project" shall embrace the cost of preparing plans and specifications for, and constructing the garage, tunnel, and underground passageway, as hereinafter defined, including all necessary and

convenient approaches thereto and all extensions and improvements thereof, the cost of restoring gardens, lawns, trees and shrubs in the area included in the project to substantially the same condition as prior to construction, except at the points of ingress and egress, the cost of acquiring all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and, if deemed advisable by the Authority, for one year after completion of construction, cost of removal or relocation of any public utilities facilities, cost of traffic estimates and of engineering and legal services, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the garage, tunnel and underground passageway, administrative expenses, and such other expenses as may be necessary or incident to the construction of the garage, tunnel and underground passageway, and the cost of issuing revenue bonds or interim receipts under the provisions of this act. Any obligation or expense hereafter incurred at the request of the Authority by the state department of public works or by the city for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of the garage, tunnel and underground passageway, shall be regarded as a part of the cost of the project and shall be assumed and paid by the Authority or reimbursed to the commonwealth or to the city out of the proceeds of the Common garage revenue bonds herein-after authorized.

(d) "Current expenses" shall mean the reasonable and necessary current expenses of the Authority in maintaining, repairing, operating or leasing the garage, tunnel and underground passageway including, without limiting the generality of the foregoing, ordinary and usual expenses of maintenance and repair, including expenses not annually recurring, engineering expenses relating to operation and maintenance, insurance premiums after completion of construction, all administrative and legal expenses after such completion, charges of paying agents and fees and expenses of the trustee after such completion, and any other expenses accruing after such completion which are required to be paid by the Authority under the provisions of the trust agreement or resolution hereinafter mentioned or by law.

(e) "Garage" shall mean a garage for motor vehicles under Boston Common in the city within the following boundaries: Bounded westerly by the easterly line of Charles street; northerly by the southerly line of Beacon street; easterly by the Soldiers and Sailors Monument and the westerly perimeter of the Parkman bandstand; southerly by the Central Burying Ground, together with all necessary and convenient approaches above and below ground; provided, that on the Charles and Beacon street frontages combined there shall be an average setback of not less than ninety feet except at the points of ingress and egress and except that the Authority, its employees and contractors may cross and recross said setback during the period of construction; and provided, further, that the Authority shall require that the work of construction

be so carried on that the gardens, lawns, trees and shrubs in the area will, after construction, remain in, or be restored to, substantially the same condition as prior to construction except at the points of ingress and egress, and that the filling or relocation of the Public Garden pond, or any part thereof, will not be required. "Garage" shall include such service station and other facilities for administration and storage which the Authority may deem necessary for the operation of the garage, and also all property, rights, easements and interests which may be acquired by the Authority for the construction of the garage.

(f) "Common garage project" or "project" shall mean the "garage" as defined in (e), the "tunnel" as defined in (h), and the "underground passageway" as defined in (j) and all approaches thereto and extensions and improvements thereof.

(g) "Fiscal year" shall mean the calendar year.

(h) "Tunnel" shall mean a two-lane traffic tunnel to be constructed under the provisions of this act under the Public Garden, Charles street and Boston Common from Commonwealth avenue at or near Arlington street to the garage within boundaries substantially as follows: — Beginning at a point on Commonwealth avenue at about midway between Arlington street and Berkeley street and running in an easterly direction on and under Commonwealth avenue, and under Arlington street, the Public Garden and Charles street at a location on Charles street approximately midway between Beacon and Boylston streets to the garage, so located as not to disturb permanently the Washington Monument or the bridge over the Public Garden pond. "Tunnel" shall include all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of the tunnel.

(i) "Trustee" shall mean the bank or trust company acting as trustee under the resolution whereby the revenue bonds herein provided for are issued by the Authority or under a trust agreement made and entered into by and between the Authority and a bank or trust company.

(j) "Underground passageway" shall mean the underground passageway for the convenience of persons using or employed in the garage to be constructed under the provisions of this act from the garage to a point at or near the corner of West and Tremont streets, together with machinery and equipment for conveying passengers, and all property, rights, easements and interests which may be acquired by the Authority for the construction or the operations of the underground passageway.

SECTION 3. *Massachusetts Parking Authority.* — There is hereby created and placed in the state department of public works a body politic and corporate to be known as the "Massachusetts Parking Authority," which shall not be subject to the supervision and regulation of the department of public works or of any other department, commission, board, authority, bureau or agency of the commonwealth except to the extent and in the manner provided in this act. The Authority is hereby constituted a public instrumentality and the exercise by the Authority of the powers conferred by this act in the construction, operation and maintenance of the garage shall be deemed and held to be the performance of an essential governmental function.

The Massachusetts Parking Authority shall consist of three unpaid members, two of whom, hereinafter sometimes referred to as the governor's appointees, shall be appointed by the governor, by and with the

advice and consent of the council, and the third member shall be such officer of the city as the mayor of the city shall from time to time designate, who shall serve ex officio.

The members of the Authority first appointed by the governor shall serve for terms expiring on July first, nineteen hundred and sixty-five, and July first, nineteen hundred and sixty-six, the terms of such members to be designated by the governor, and until their respective successors shall be duly appointed and qualified. The governor shall designate one of the governor's appointees as chairman who shall serve as such during his term of office. Upon the expiration of the term of office of such chairman, the governor shall appoint one of the governor's appointees as his successor as chairman. The successor of each of the governor's appointees shall be appointed for a term of eight years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment. Each member of the Authority before entering upon his duties shall take an oath before the governor to administer the duties of his office faithfully and impartially, and a record of such oaths shall be filed in the office of the secretary of the commonwealth.

The Authority shall elect one of the members as vice chairman thereof and shall also elect a secretary-treasurer who need not be a member of the Authority. Two members of the Authority shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Before the issuance of any Common garage revenue bonds under the provisions of this act, each member of the Authority shall execute a surety bond in the penal sum of twenty-five thousand dollars, and the secretary-treasurer shall execute a surety bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the commonwealth as surety and to be approved by the attorney general and filed in the office of the secretary of the commonwealth. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the authority of this act.

SECTION 4. *Credit of Commonwealth or any Political Subdivision not Pledged.* — Common garage revenue bonds, interim receipts, temporary bonds and Common garage revenue refunding bonds issued under the provisions of this act shall not be deemed to constitute a debt of the commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the commonwealth or of any such political subdivision; but all such bonds and interim receipts shall be payable solely from the funds herein provided therefor from revenues. All such bonds and interim receipts shall contain on the face thereof a statement to the effect that neither the Authority nor the commonwealth nor any political subdivision thereof shall be obliged to pay the same or the

interest thereon except from revenues of the Common garage project, and that neither the faith and credit nor the taxing power of the commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds and interim receipts.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, and no liability or obligations shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the provisions of this act.

SECTION 5. *General Grant of Powers.* — The Authority is hereby authorized and empowered —

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office or offices at such place or places within the commonwealth as it may determine;

(d) To sue and be sued in its own name, plead and be impleaded;

(e) To prepare plans and specifications for, construct, reconstruct, extend, improve, insure, repair, maintain, operate or lease a garage under Boston Common for the parking and the servicing and repairing of motor vehicles, together with all necessary and convenient approaches to such garage above and below ground, including the underground passageway and the tunnel;

(f) To issue Common garage revenue bonds of the Authority, interim receipts, and temporary bonds, payable solely from revenues as herein-after provided, and to refund its bonds, all as provided in this act;

(g) To fix and revise from time to time and charge and collect fees for the parking of motor vehicles in the garage and for the servicing and repair of motor vehicles;

(h) To establish and revise from time to time rules and regulations for the use of the common garage project, and to provide penalties for the violation of said rules and regulations not exceeding fifty dollars for each such offence, which upon payment into court shall be accounted for and paid to the Authority;

(i) To acquire by conveyance under section seven of this act, and hold such interest in and under the lands constituting Boston Common and in Commonwealth avenue, Arlington street, the Public Garden, Charles street and any other public street as it may deem necessary for carrying out the provisions of this act;

(j) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(k) To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws or any alternative method now or hereafter provided by law insofar as such provisions may be applicable, such public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in such private property as it may deem necessary for carrying out the provisions of this act, which taking or purchase may be fixed by planes of division, or otherwise,

below or above or at the surface of the soil, with no taking of upper or lower portions; provided, that no compensation shall be paid for public lands taken; provided, further, that whenever a parcel of private property so taken is used in whole or in part for residential purposes, the owner or owners of said parcel may, within thirty days of the date of the Authority's notice to vacate such parcel, appeal to the Authority for a postponement of the date set for vacating, whereupon the Authority shall grant to the owner or owners of the property a postponement of three months from the date of such appeal; provided, however, that the appeal for such postponement shall be in the form of a written request to the Authority sent by registered mail return receipt requested; and provided, further, that the Authority shall give security to the state treasurer for the payment of such damages as may be awarded in accordance with law for such taking, and that the provisions of section forty of said chapter seventy-nine, insofar as the same may be applicable, shall govern the rights of the Authority and of any person whose property shall be so taken;

(l) To make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including leases with any person, partnership, association, or corporation for the operation of the project;

(m) To employ consulting engineers, accountants, attorneys, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(n) To receive and accept from the federal government or any federal agency grants for or in aid of the construction of the Common garage project, and to receive and accept aid or contributions, from any source, of money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions are made;

(o) Without license under section thirteen of chapter one hundred and forty-eight of the General Laws, but subject to any applicable rules and regulations of the board of fire prevention regulations under said chapter, to buy, store, sell and deal in gasoline and other motor vehicle fuels and oils, accessories, goods, wares, and merchandise in any way connected with motor vehicles and to service motor vehicles including the right to make minor repairs, and to lease the rights to exercise such powers; and

(p) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 6. *Incidental Powers.* — The Authority shall have power to change and adjust the lines and grades of public highways so as to accommodate the same to the design of the Common garage project and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

The Authority may, with the approval of the traffic commissioner of the city, establish satisfactory detours over existing public ways during the construction of the project.

If the Authority shall find it necessary to change the location of any

portion of any public way, it shall reconstruct the same at such location as the Authority shall deem most favorable with the approval of the public improvement commission of the city, and of substantially the same type and in as good condition as the original highway. Land or rights in land may be acquired for this purpose by eminent domain under chapter seventy-nine by the Authority in behalf of the city or in behalf of the Authority, at the option of the Authority. Control of the land or rights in the land acquired under this paragraph on behalf of the city shall not vest in the city until such time as the work for which the land or rights in land have been acquired has been completed by the Authority. Any person whose property has been taken by the Authority under this paragraph may recover from the Authority under chapter seventy-nine. The cost of such construction and the damages incurred under this paragraph shall be paid by the Authority as part of the cost of the project.

Any public highway affected by the construction of the Common garage project may be abandoned or relocated by the Authority, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project.

The Authority and its authorized agents and employees may enter upon any lands, waters, and premises in the city of Boston for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any eminent domain proceedings which may be then pending. The Authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

The Authority may order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out and construction of the Common garage project, and the appropriate authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be reimbursed by the Authority for the reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such pipes, conduits, wires, poles or other property in such public ways or places, and the owner of any such structures in public ways or lands shall comply with such orders. If any such owner shall fail to comply with any such order of the Authority within a reasonable time, to be fixed in the order, the Authority may discontinue and remove such conduits, pipes, wires, poles or other property, and may relocate the same. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. Any such structures in or upon private lands may be removed and relocated by the Authority, or, if removed and relocated by the owner thereof, the reasonable expense shall be repaid to him by the Authority.

Any gas or electric company shall shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far and for such time as may be necessary to prevent the escape or explosion of gas, or other public danger.

The commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of the Common garage project.

SECTION 7. *City authorized to convey Necessary Interest in Common, etc.* — Notwithstanding any contrary provision of general or special law, the city of Boston, by its mayor shall convey to the Authority, without consideration, such interest in the lands constituting Boston Common and in Commonwealth avenue, Arlington street, the Public Garden, Charles street and any other public street as the Authority may deem necessary for carrying out the provisions of this act; provided, that the parks and recreation commission of the city shall, by vote at a regular or special meeting of said commission, assent to such conveyance; and provided, further, that such conveyance is authorized, after two separate readings, by two separate votes of the city council of the city, the second of said readings and votes to be had not less than fourteen days after the first.

SECTION 8. *Common Garage Revenue Bonds.* — The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of Common garage revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project or any part or parts thereof. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates and mature at such time or times, not exceeding forty years from their date or dates, all as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest which may be at any bank or trust company within or without the commonwealth. The bonds shall be signed by the chairman of the Authority or shall bear his facsimile signature, and shall bear a facsimile of the official seal of the Authority, attested by the Secretary-Treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such man-

ner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Authority.

The proceeds of the bonds shall be used solely for the payment of the cost of the project, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds initially issued, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery: — The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds and interim receipts may be issued by the Authority under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or of the city, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

SECTION 9. *Trust Agreement.* — In the discretion of the Authority, the bonds issued under the provisions of this act may be secured by a trust agreement by and between the Authority and a corporate trustee, which shall be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the fees and other revenues to be received, but shall not convey or mortgage the project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, operation, leasing, repair and insurance of the project, the rates of fees to be charged, and the custody, safeguarding and application of all moneys, and may contain provisions for the employment of consulting engineers in connection with the construction and operation of the project. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depositary of the proceeds of the bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such trust agreement or resolution shall set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to

the foregoing, such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of operation of the project.

SECTION 10. *Revenues.* — The Authority is hereby authorized to fix, revise, charge and collect fees for the use of the project and the different parts or sections thereof, and for the servicing of motor vehicles including the making of minor repairs, and to contract with any person, partnership, association or corporation as to the lease of the project for the parking and servicing of motor vehicles including the making of minor repairs and as to the sale of gasoline, and other motor vehicle fuels, oils and accessories. Such fees and the proceeds of such lease and contracts shall be so fixed and adjusted in respect of the aggregate of revenue from the project as to provide a fund sufficient to pay (a) the administrative expenses of the Authority and the cost of insuring, repairing, maintaining, operating or leasing the project and all extensions and improvements thereto, and (b) the principal of and the interest on bonds issued under this act as the same shall become due and payable, and (c) to create reserves for such purposes. Such fees and such lease and contract shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. The fees and all revenues derived from leases and contracts, except such part thereof as may be necessary to pay such current expenses and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, and as may be necessary to meet any sinking fund requirements for the outstanding bonds, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to and charged with the payment of (1) The interest on such Common garage revenue bonds as such interest shall fall due; (2) The principal of such bonds as the same shall fall due; and (3) The redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the fees and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

SECTION 11. *Trust Funds.* — All moneys received pursuant to the authority of this act, whether as proceeds from the sale of Common garage revenue bonds or as revenues, shall be deemed to be trust funds

to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

SECTION 12. *Remedies.* — Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under any trust agreement or resolution, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement or resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of fees.

SECTION 13. *Bonds Eligible for Investment.* — Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifty of chapter one hundred and sixty-eight of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 14. *Miscellaneous.* — The Common garage project, when constructed, shall be maintained and kept in good condition and repair by and at the expense of the Authority.

The city and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request and without cost and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority under this act, including public roads and other real property already devoted to public use.

The Authority may call upon the state department of public works, the metropolitan district commission, the Boston city planning board,

and the parks and recreation commission of the city and such other state or city boards, boards, authorities, commissions or divisions as may be deemed advisable for the purpose of assisting in making investigations and in effecting the design, construction and operation of the project, and the Authority may arrange for payment for such services and expenses of said agencies in connection therewith.

The Common garage project shall be policed and operated by such force of police, collectors, and other operating employees as the Authority or its lessee may in its discretion employ.

Until the project shall have been transferred to the city under the provisions of section fifteen of this act, the Authority or its lessee shall be liable to any person sustaining bodily injury or damage in his property by reason of a defect or want of repair therein or thereupon to the same extent as though the project were a way within the meaning of sections fifteen, eighteen and nineteen of chapter eighty-four of the General Laws, and shall be liable for the death of any person caused by such defect or want of repair to the same extent as is provided in chapter two hundred and twenty-nine of the General Laws. Any notice of such injury, damage or death required by law shall be given to any member of the Authority or to the secretary-treasurer.

Any operator of a vehicle using the project who refuses to pay the fee prescribed, or who evades or attempts to evade payment of the fee prescribed may be arrested without a warrant; and in addition thereto the Authority or its lessee shall have a lien upon the vehicle driven by such person for the amount of such fee and may take and retain possession thereof until the amount of such fee and all charges in connection therewith shall have been paid.

On or before the thirtieth day of January in each year the Authority shall make an annual report of its activities for the preceding calendar year to the governor, the general court and the mayor of the city. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of construction and operation of the project. Such audits shall be deemed to be public records within the meaning of chapter sixty-six of the General Laws.

SECTION 15. *Transfer to City.* — When all bonds and interim receipts issued under the provisions of this act and the interest thereon shall have been paid, or a sufficient amount for the payment of all such bonds and interim receipts and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, the project, if then in good condition and repair to the satisfaction of the board or officer then having power to lease public off-street parking facilities acquired under chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six, as from time to time amended, shall become the property of the city and shall be held, leased and disposed of as if acquired under said chapter four hundred and seventy-four.

SECTION 16. *Exemption from Taxation.* — The exercise of the powers granted by this act will be in all respects for the benefit of the people of the commonwealth, for the increase of their commerce and prosperity,

and for the improvement of their health and living conditions, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provision of this act or upon the income therefrom, and the bonds and interim receipts issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the commonwealth.

No person, partnership, association or corporation which enters into a lease of the project or part thereof with the Authority for the parking and servicing of motor vehicles including the making of minor repairs and the sale of gasoline and other motor vehicle fuels, oils and accessories or for any of the foregoing purposes, or the sub-lessee or the assignee of such lessee, shall be assessed any tax upon any real estate, garage, underground passageway or tunnel of which it is lessee, sub-lessee or assignee or upon any structure or facilities constructed under any contract or lease while such lease is in force, the provisions of any general or special law to the contrary notwithstanding.

SECTION 17. *Common Garage Revenue Refunding Bonds.* — The Authority is hereby authorized to provide by resolution for the issuance of its Common garage revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions or enlargements of the project. The issuance of such bonds, the maturities and other details thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this act insofar as the same may be applicable. The issuance of Common garage revenue bonds or Common garage revenue refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

SECTION 18. *Preliminary Expenses.* — To provide for the preliminary expenses of the Authority in carrying out the provisions of this act, the sum of two hundred thousand dollars is hereby appropriated, which sum shall be paid to the Authority, and, simultaneously with the delivery of the bonds, the sum so paid shall be reimbursed by the Authority to the commonwealth out of the proceeds of any bonds which may be issued under the provisions of this act.

The Authority is hereby authorized and directed to make such surveys and studies of the project as may be necessary to effect the financing authorized by this act at the earliest practicable time and for this purpose to employ such consulting engineers, traffic engineers, legal and financial experts and such other employees and agents as it may deem necessary. To effect the purposes of this act, the city and the state department of public works and all other departments, boards, authorities, agencies, commissions and instrumentalities of the commonwealth and the city shall make available to the Authority all maps, plans, and data in their possession which may be useful to the Authority in making such plans and studies and in constructing the project. The state de-

partment of public works may furnish such assistance in making investigations and in preparing designs for the project as may be called for by the Authority and the cost thereof shall be paid by the Authority.

SECTION 19. *Construction of Tunnel, etc., not obligatory.* — Nothing contained in this act shall be construed to require the Authority to construct either the underground passageway defined in section 2 (j) or the two-lane traffic tunnel defined in section 2 (h).

SECTION 20. *Act Liberally Construed.* — This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 21. *Constitutional Constructions.* — The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 22. *Labor Relations Policy.* — It is hereby declared to be the policy of the Authority to eliminate the causes of certain substantial obstructions to the free flow of industry and trade, and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining, and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

The Authority shall have authority to bargain collectively with labor organizations representing employees of the Authority, and to enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances and grievances and arbitration of disputes of such employees.

The provisions of sections twenty-six to twenty-seven D inclusive of chapter one hundred and forty-nine of the General Laws shall apply to the Authority.

SECTION 23. *Repeal of Statutes; Other Laws Inapplicable.* — Chapter two hundred and ninety-four of the acts of nineteen hundred and forty-six, chapter six hundred and fifty-four of the acts of nineteen hundred and forty-eight, chapter three hundred and fifty-five of the acts of nineteen hundred and fifty-one, chapter five hundred and twenty-nine of the acts of nineteen hundred and fifty-five and chapter seven hundred and one of the acts of nineteen hundred and fifty-seven except section eleven thereof are hereby repealed.

Sections forty-four A to forty-four L of chapter one hundred and forty-nine of the General Laws, and all general or special laws, or parts thereof, inconsistent herewith, are hereby declared to be inapplicable to the provisions of this act.

SECTION 24. Section 12 of chapter 63 of the General Laws is hereby amended by striking out paragraph (r), inserted by section 11 of chapter 701 of the acts of 1957, and inserting in place thereof the following paragraph: —

(r) Bonds issued by the Massachusetts Parking Authority.

SECTION 25. This act shall take effect upon its passage.

Approved October 3, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 7, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public health, safety and convenience requires that the law being Chapter 606 of the Acts of 1958, entitled, "An Act Providing for the Construction, Maintenance, Repair, Operation or Leasing of a Garage for the Parking of Motor Vehicles Under Boston Common in the City of Boston and Creating the Massachusetts Parking Authority, Defining its Powers and Duties, and Providing for the Financing of Such Garage," and the enactment of which received my approval on October 3, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the effective date of this act would delay the construction of a garage under Boston Common which is immediately and vitally needed to increase parking facilities, relieve existing hazards and handicaps to vehicular traffic and revitalize Boston's business and shopping center.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 8, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and ten minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and six of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN
Deputy Secretary of the Commonwealth.

CHAP. 607. AN ACT PROVIDING THAT THE QUESTION OF THE LOCATION OF A NEW PUBLIC SCHOOL BUILDING IN THE CITY OF SALEM BE SUBMITTED TO THE VOTERS OF SAID CITY AT THE STATE ELECTION IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

SECTION 1. In the city of Salem there shall be placed upon the official ballot at the biennial state election to be held in the current year the following question: — "Shall a public school building be erected at the Green street and Lafayette Place end of the Palmer's Cove area?" If a majority of the votes in answer to said question is in the affirmative, the proposal shall be deemed to be adopted, and if said majority is in the negative the proposal shall be deemed to be rejected.

SECTION 2. This act shall take effect upon its passage.

Approved October 3, 1958.

CHAP. 608. AN ACT DESIGNATING A CERTAIN TRAFFIC ISLAND ON ROUTE 140 IN THE CITY OF NEW BEDFORD AS THE CHARLES HENRY TATRO TRAFFIC ISLAND.

Be it enacted, etc., as follows:

SECTION 1. The northerly traffic island at the intersection of Acushnet avenue and route 140 in the city of New Bedford shall be known and designated as the Charles Henry Tatro traffic island, in memory and in honor of Charles Henry Tatro, a private in the United States Army, who was killed while serving as a paratrooper in France on September twelfth, nineteen hundred and forty-four, and a suitable marker bearing said designation shall be erected and maintained at said island by the state department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved October 3, 1958.

CHAP. 609. AN ACT RELATIVE TO THE SALARIES OF CERTAIN JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter seven hundred and thirty-three of the acts of nineteen hundred and fifty-five, a justice of the superior court who was appointed to said office between the first day of January, nineteen hundred and fifty-seven and the effective date of this act, both dates inclusive, shall receive such salary as is provided by section twenty-seven of chapter two hundred and twelve of the General Laws, said salary to be effective as of the date of his appointment.

SECTION 2. Item 0305-01 of section 2 of chapter 434 of the acts of the current year is hereby amended by striking out, in line 1, the word "thirty-one" and inserting in place thereof the word: — thirty-seven.

SECTION 3. This act shall take effect upon its passage.

Approved October 3, 1958.

CHAP. 610. AN ACT PROHIBITING THE SALE OF TOBACCO PRODUCTS WHICH HAVE BEEN CONTAMINATED BY FIRE, SMOKE OR WATER.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by adding at the end the following section: — *Section 307.* No person shall deliver, sell, offer for sale or have in possession with intent to sell any cigarettes, cigars, tobacco, pipes or any other implement used for smoking, which may be inserted into the mouth or nostrils, which have been contaminated by fire, smoke or water resulting from fire or flood, without authority to so do from the division of food and drugs of the department of public health. Whoever violates the provision of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than six months.

Approved October 3, 1958.

CHAP. 611. AN ACT AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 280 of the acts of 1932 is hereby amended by striking out section 4 and inserting in place thereof the following section: — *Section 4.* Until superseded under this act, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of the city, and the fiscal year of the city shall remain as constituted at the time this act becomes fully effective; but the city council may at any time by ordinance, consistent with general law and with the provisions of this act, reorganize, consolidate or abolish departments, in whole or in part; transfer the duties, powers and appropriations of one department to another, in whole or in part; establish new departments; and increase, reduce, establish or abolish salaries of heads of departments or members of boards, and of all city employees except those under the jurisdiction of the school committee. This section shall not authorize any action in conflict with chapter thirty-one or forty-four of the General Laws.

SECTION 2. Said chapter 280 is hereby further amended by inserting after said section 4 the following section: — *Section 4A.* The city council may delegate to such commission or commissions, boards or heads of departments, or other city official as it may designate, the powers vested in it by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits which the city council is authorized to grant and issue under the statutes of the commonwealth.

SECTION 3. Said chapter 280 is hereby further amended by striking out section 15 and inserting in place thereof the following section: — *Section 15.* At each biennial municipal election the following officers shall be elected in the following manner: —

A mayor, by and from the qualified voters of the city for a term of two years.

Eleven members of the city council, one to be elected by and from the voters of each ward and four members to be elected at large by and from the voters of the city for the term of two years each.

A city clerk, by and from the qualified voters of the city for the term of two years; provided, however, that after a city clerk has held such office by successive elections for five consecutive years, there shall be placed on the ballot to be voted on at the next biennial municipal election the following question: — "Shall the city vote to accept the provisions of section nineteen B of chapter forty-one of the General Laws and thereby provide permanent tenure for (name of incumbent), the present incumbent in the office of city clerk?" If a majority of the votes in answer to said question is in the affirmative, and if the incumbent is re-elected at said election, then said section nineteen B of said chapter forty-one shall take full effect in this city, but not otherwise.

At the biennial election to be held in the year nineteen hundred and thirty-three, seven members of the school committee shall be elected, one by and from the qualified voters of each ward. The members elected from wards one, two, three and four shall be elected to serve for the term of two years, and the members elected from wards five, six and seven shall be elected to serve for the term of four years, and biennially thereafter members of the school committee shall be elected to serve for the term of four years.

The term of office of all persons elected under the provisions of this section shall begin on the first Monday of January in the year following their election, and they shall serve until the election and qualification of their successors.

SECTION 4. Said chapter 280 is hereby further amended by striking out section 16 and inserting in place thereof the following section: — *Section 16.* If a person nominated for the office of mayor, city clerk, councilman at large, councilman from a ward or member of the school committee dies before the municipal election at which his name would have gone on the ballot, no election shall be held for such office until the completion of the proceedings as hereinafter provided. Any votes that may be cast for such office prior to the completion of such proceedings shall be null and void. After such death, the city council shall forthwith cause warrants to be issued for a new preliminary election for such nomination. The person receiving the highest number of votes at such new preliminary election and the survivor of the two candidates originally nominated shall be the sole candidates for that office, and the same proceedings shall be thereafter had in all respects as hereinbefore provided for such office, which shall be repeated until an election to such office is completed; provided, that if the deceased person was the only nominee for such office, then the two persons receiving the highest number of votes at such new preliminary election shall be the sole candidates for that office.

If it shall appear that there is otherwise no choice for any elective office at any municipal election, the city council shall forthwith cause warrants to be issued for a new election for such office; and the same proceedings shall be had in all respects as hereinbefore provided for such office, which shall be repeated until an election to such office is completed.

(a) If the person elected mayor shall refuse to accept the office, or shall die before qualifying, there shall be a vacancy in such office from the beginning of the term for which such person was elected mayor;

and in the event of such vacancy or any other vacancy which shall occur more than six months prior to the expiration of the term for which he was elected, the city council shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, for the election of a mayor to fill the vacancy so existing, which shall be repeated until an election of a mayor is completed. If, however, such vacancy occurs within a period of six months prior to the expiration of the term for which the mayor was elected, the then president of the city council shall automatically become mayor.

(b) If the person elected city clerk, councilman at large, councilman from a ward or member of the school committee shall refuse to accept the office, or shall die before qualifying, there shall be a vacancy in such office from the beginning of the term for which such person was elected, and such vacancy or any other vacancy in any such office occurring at any other time thereafter shall be filled in the following manner:—

(1) If the vacancy is in the city council, the latter, forthwith sitting in special convention presided over by the mayor, shall elect a qualified voter of the city to serve for the remainder of the unexpired term. The mayor shall have a vote in such convention only in the event that there would otherwise be a tie vote. If the vacancy is in the office of a councilman for a ward, the person elected shall be chosen from the qualified voters of the ward in which the councilman whose seat became vacant was a legal voter at the time of his qualification as a candidate for nomination to such office.

(2) If the vacancy is in the school committee, it shall be filled by vote of the city council and school committee in joint convention, presided over by the mayor. The person so elected shall be chosen from the qualified voters of the ward in which the member of the school committee whose seat became vacant was a legal voter at the time of his qualification as a candidate for nomination for such office, and he shall serve for the remainder of the unexpired term.

(3) If the vacancy occurs in the office of the city clerk, the mayor shall appoint, subject to the confirmation or rejection of the city council, some qualified person to serve for the remainder of the unexpired term, except that if the city has accepted the provisions of law granting permanent tenure for its city clerk, as provided by section three of this act or by section nineteen C of chapter forty-one of the General Laws, then the appointee shall serve only until the next regular biennial municipal election.

SECTION 5. Said chapter 280 is hereby further amended by inserting after section 16, as amended, the following section:— *Section 16A.* No person may serve simultaneously as a member of the city council and of the school committee. A member of the city council shall be deemed to have resigned his office as member of the city council, on his subsequent qualification as a member of the school committee, and a member of the school committee shall be deemed to have resigned his office as member of the school committee on his subsequent qualification as a member of the city council.

SECTION 6. Section 17 of said chapter 280 is hereby amended by striking out the sixth, seventh and eighth sentences and inserting in place thereof the following three sentences:— He shall receive for his services such salary as the city council shall by ordinance determine,

and shall receive no other compensation from the city. No increase or reduction in his salary shall take effect during the year in which such increase or reduction is voted, and no change in such ordinance shall be made between the election of a new council and the qualification of the new council. No ordinance providing for such increase or decrease in the salary of the mayor shall take effect unless it is approved by a majority of the registered voters of the city voting thereon at the next regular municipal or state election.

SECTION 7. Section 21 of said chapter 280 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and shall receive no other compensation from the city. No increase or reduction in the salaries of the members of the city council shall take effect during the year in which such increase or reduction is voted, and no change in such ordinance shall be made between the election of a new council and the qualification of the new council. No ordinance providing for such increase or decrease in the salaries of the members of the city council shall take effect unless it is approved by a majority of the registered voters of the city voting thereon at the next regular municipal or state election.

SECTION 8. The seventh paragraph of section 26 of said chapter 280 is hereby amended by striking out, in line 2, the words “the board of survey”, — so as to read as follows:—

The appointment by the mayor of members of the board of registrars of voters, the planning board, and of park commissioners, shall be subject to the approval of the city council. Such officers respectively shall be appointed in the manner, shall serve for the terms and shall perform the duties now prescribed by law.

SECTION 9. Section 28 of said chapter 280 is hereby amended by striking out the last sentence.

SECTION 10. Said chapter 280 is hereby further amended by striking out section 32 and inserting in place thereof the following section:—

Section 32. No member of the city council shall during the term for which he was elected be eligible to hold any other office or position, elective or appointive, the salary of which is payable by the city. An employee of the city who is elected a member of the city council shall be deemed to have resigned his employment upon qualification as a councilman.

SECTION 11. Said chapter 280 is hereby further amended by striking out section 37 and inserting in place thereof the following section:—

Section 37. The school committee shall consist of the mayor who shall be chairman of the board and the seven other persons elected as provided in section fifteen. Except as in this section otherwise provided, the members of the committee shall serve without compensation.

On the first Monday of January, following the biennial municipal election, at eight o'clock in the evening, the members of the school committee and the members elect shall meet and the members elect shall be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any officer qualified to administer oaths, and a certificate thereof shall be entered in the records of the committee. At any meeting thereafter the oath may be administered

in the presence of the committee to any member-elect absent from the meeting of the first Monday of January. The meetings of the school committee shall be open to the public.

Said committee shall annually elect one of its number as chairman to serve in the absence of the mayor, shall annually appoint one of its number to attend the meetings of the city council, and shall annually appoint one of its number as secretary, who shall be under its direction and control. Said committee shall elect teachers and a superintendent of schools annually, except as provided by section forty-one of chapter seventy-one of the General Laws, and may dismiss or suspend such teachers and superintendent, subject to section forty-two of said chapter seventy-one. Such superintendent shall not be elected from the membership of said committee. Said committee may, under chapter thirty-one of the General Laws, appoint, suspend or remove such subordinate officers and assistants, including custodians of school buildings, as it may deem necessary for the proper discharge of its duties. The committee shall fix the salaries of such secretary and superintendent and may remove such secretary for sufficient cause.

SECTION 12. Section 38 of said chapter 280 is hereby amended by adding at the end the following sentence: — An employee of the city who is under the jurisdiction of the school committee shall be deemed to have resigned his employment upon his qualification as a member of the school committee.

SECTION 13. Said chapter 280 is hereby further amended by inserting after section 40 the following section: — *Section 40A.* No mayor or member of the city council or school committee and no officer or employee of the city shall directly or indirectly make a contract with the city, or receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person making or performing such contracts, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign such contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk; provided, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

SECTION 14. This act shall be submitted for acceptance to the registered voters of the city of Pittsfield at the state election in the current year in the form of the following question, which shall be placed upon

the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and fifty-eight, entitled 'An Act amending certain provisions of the charter of the city of Pittsfield', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take effect on January first, nineteen hundred and fifty-nine.

Approved October 3, 1958.

CHAP. 612. AN ACT ESTABLISHING WITHIN THE DEPARTMENT OF PUBLIC HEALTH A DIVISION OF FOOD AND DRUGS AND A DRUGS CONTROL SECTION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 17 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 1 of chapter 482 of the acts of 1957, and inserting in place thereof the following section: — *Section 4.* There shall be in the department a division of sanatoria, a division of food and drugs, and such other divisions as the commissioner, with the approval of the public health council, may from time to time determine. The commissioner shall, subject to the approval of the public health council, appoint a director, who shall take charge of each division. Every such director shall be subject to chapter thirty-one. The commissioner may require that a physician who is to be appointed a director be certified as to his qualifications by one of the physicians' specialty boards approved by the Council on Medical Education and Hospitals of the American Medical Association.

There shall be within the division of food and drugs a drugs control section and such other sections as the director, with the approval of the department, may from time to time determine.

SECTION 2. Nothing in this act shall be construed as affecting the civil service rights, salary grade, seniority or retirement rights of any person permanently employed in the department of public health on the effective date of this act.

Approved October 3, 1958.

CHAP. 613. AN ACT CHANGING THE NAME OF THE TEWKSBURY STATE HOSPITAL AND INFIRMARY TO TEWKSBURY HOSPITAL AND TRANSFERRING SAID HOSPITAL TO THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. The name of the Tewksbury state hospital and infirmary is hereby changed to Tewksbury Hospital.

SECTION 1A. The eighth paragraph of section 3 of chapter 5 of the General Laws, as appearing in chapter 196 of the acts of 1938, is hereby amended by striking out, in line 21, as amended by section 1 of chapter 351 of the acts of 1941, the words "Tewksbury state hospital and infirmary" and inserting in place thereof the words: — Tewksbury hospital.

SECTION 2. Section 8 of chapter 18 of the General Laws is hereby repealed.

SECTION 2A. The second paragraph of section 4 of chapter 40 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 12, as amended by section 3 of chapter

351 of the acts of 1941, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 2B. Section 16 of chapter 46 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, as amended by section 4 of said chapter 351, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 2C. Section 20 of said chapter 46, as amended by section 5 of said chapter 351, is hereby further amended by striking out, in lines 2 and 3, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 2D. The second sentence of section 7 of chapter 69 of the General Laws, as appearing in chapter 403 of the acts of 1943, is hereby amended by striking out, in lines 5 and 6, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 2E. Section 1 of chapter 113 of the General Laws is hereby amended by striking out, in line 5, as amended by section 7 of chapter 351 of the acts of 1941, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 3. Section 18 of chapter 117 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 9 of chapter 351 of the acts of 1941, and inserting in place thereof the following sentence: — If it directs a discontinuance of such aid, it shall remove such persons to said hospital or to any state or place where they belong, if their necessities or the public interests require it, and the superintendent of said hospital shall receive the persons removed thereto as if they were sent there in accordance with section eleven of chapter one hundred and twenty-two.

SECTION 3A. Section 1C of chapter 118A of the General Laws, inserted by chapter 475 of the acts of 1951, is hereby amended by striking out, in lines 15 and 16, the words "State Hospital and Infirmary" and inserting in place thereof the word: — hospital.

SECTION 3B. Section 3 of chapter 118D of the General Laws, as appearing in section 2 of chapter 741 of the acts of 1951, is hereby amended by striking out, in line 15, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 4. Sections 6, 10, 11, 12, 13 and 39 of chapter 121 of the General Laws are hereby repealed.

SECTION 5. Section 7 of chapter 121 of the General Laws, as most recently amended by section 12 of chapter 602 of the acts of 1952, is hereby further amended by striking out the second sentence, so as to read as follows: — *Section 7.* The department may, at any time, visit all places where persons who have no legal settlement are supported, and ascertain from actual examination and inquiry whether the laws relative to such persons are properly observed, particularly in relation to such as are able to labor; and shall give such directions as will insure correctness in the returns required in relation to persons aided; and may use the necessary means to collect information relative to their support. It shall upon the request or with the consent of a charitable corporation which, under section twelve of chapter one hundred and eighty, is required to make an annual report to said department, at least once a year, visit and inspect the institution or investigate the work of such corporation. It may visit and inspect all places where persons are supported in families by towns.

SECTION 6. Said chapter 121 is hereby further amended by striking out section 9, as most recently amended by section 5 of chapter 715 of the acts of 1956, and inserting in place thereof the following section: — *Section 9.* It may transfer inmates from one state charitable institution to another, or send them to any state place where they belong, if public interest or the necessities of the inmates so require. It may from time to time select for support at the state farm any state charges whose labor, in domestic or other service at said institution, may contribute toward the cost of their support, or whose maintenance at the same may for special reasons be considered expedient, except in no event may it transfer patients from the Tewksbury hospital under this section, without the consent of the department of public health. The superintendent of the state farm shall receive and properly support all persons admitted to it under this section.

SECTION 7. Section 42 of said chapter 121 is hereby amended by striking out, in line 6, as appearing in chapter 406 of the acts of 1941, the word “eleven,” and inserting in place thereof the words “eleven and”, — and by striking out, in lines 8 and 9, as so appearing, the words “and sections fifteen and eighteen of chapter one hundred and twenty-two”.

SECTION 8. The General Laws are hereby amended by striking out chapter 122 and inserting in place thereof the following new chapter: —

CHAPTER 122.

TEWKSBUURY HOSPITAL.

Section 1. The department of public health, in this chapter called the department, shall have general supervision of the Tewksbury hospital; and may delegate any of its powers and duties to and execute any of its functions by agents appointed for the purpose.

Section 2. There shall be a board of trustees of the Tewksbury hospital serving in the department and consisting of five men and two women, three of whom shall annually in June be appointed by the governor, with the advice and consent of the council, for three years each, except that in the year nineteen hundred and sixty and every third year thereafter only one such trustee shall be so appointed.

Section 3. The trustees of the Tewksbury hospital, in this chapter called the trustees, shall hold meetings monthly at the hospital. One trustee shall visit the hospital at least once a week. The commissioner of the department, with the approval of the public health council, shall appoint a superintendent thereof, who may be the medical director. No member of the board of trustees shall be employed at the hospital.

Section 4. The trustees shall, with the approval of the department, make rules and regulations for the proper management and government of said hospital, and shall see to their enforcement.

Section 5. The trustees shall be a corporation for the purpose of taking and holding, by them and their successors, in the name of the commonwealth, and in accordance with the terms thereof, any grant or devise of land or any gift or bequest of money or other personal property made for the use or benefit of the Tewksbury hospital, its patients or former patients, and for the purpose of preserving and investing the proceeds thereof in notes or bonds secured by good and sufficient mortgages or other security, with all the powers necessary to effect said pur-

poses. For said purposes the trustees may employ such agencies as they may from time to time determine to be wise and proper, including any trust company or other corporation authorized by law to administer trusts, and may from funds received as aforesaid or the income thereof pay such expenses as may be necessary for the wise administration of such gifts or trusts, or may delegate any powers conferred by this section upon any such trust company or corporation. In the use, management and administration of such gifts or trusts, the trustees or their agents shall in their discretion so act as most effectively to aid the beneficiaries in accordance with the terms of the gift or trust, and when so acting their judgments and determinations in extending or denying aid or benefit to any individual shall be conclusive and final. No trustee shall be answerable for the use of any money or property received by any beneficiary or for the default or neglect of any co-trustee, or of any agent employed hereunder, or of any corporation to which power is delegated or transferred as herein authorized.

Section 6. The superintendent of the Tewksbury hospital may deposit in any bank or trust company within the commonwealth or on paid-up shares and accounts of and in co-operative banks, funds belonging to patients and funds deposited by their relatives or friends to be used for their benefit or may use said funds to purchase share accounts of a federal savings and loan association located in the commonwealth, in an account entitled "Patients' Funds", or the superintendent may, whenever he deems it desirable, deposit such funds in such banks in separate accounts as trustee or use said funds to purchase share accounts of a federal savings and loan association located in the commonwealth, as trustee, in each instance, for the patient.

Section 7. So much of any funds known as "Patients' Funds" as represents monies belonging to, or deposited for the benefit of, former patients of said hospital, which shall have remained unclaimed for more than seven years, shall be paid by the superintendent thereof to the state treasurer to be held subject to be paid to the person establishing a lawful right thereto, with interest at the rate of three per cent per annum from the time when it was so paid to the state treasurer to the time when it is paid by him to such person; provided, that so much of any monies so paid to the state treasurer as may be necessary to reimburse the trustees for any sum due for the support of the person by whom or for whose benefit such money was originally deposited shall be credited to said trustees for that purpose. After six years from the date when any such monies were paid to the state treasurer the same or any balance thereof then remaining in his hands may be used as a part of the ordinary revenue of the commonwealth. Any person may, however, establish his claim after the expiration of the six years above mentioned, and any claim so established shall be paid from the ordinary revenue of the commonwealth. Any person claiming a right to money deposited with the state treasurer under this section may establish the same by a petition to the probate court; provided, that in cases where claims amount to less than fifty dollars, the claims may be presented to the comptroller who shall examine the same and allow and certify for payment such as may be proved to his satisfaction.

Section 8. Property known as "Patients' Valuables", belonging to, or deposited for the benefit of, former patients of said hospital, which shall have remained unclaimed for more than one year, shall be disposed

of as hereinafter provided, by the superintendent thereof and a representative of the trustees designated by them acting as a special board for said purpose, but only if all known next of kin of the former patient shall have been notified in writing by the said superintendent. The board shall ascertain whether the property has any sale value and, if so, shall solicit from at least three reputable dealers in like property offers for the purchase thereof, and shall sell the same to the dealer offering the highest price. The proceeds of such sale shall become a part of the "Patients' Funds" and shall be disposed of as provided in section seven. The board may dispose of such of said property as, in its opinion, has no sale value, or any of said property for which no offer, solicited as aforesaid, has been received, in such manner as it may deem proper. A complete record of each transaction hereunder shall be made and signed by both members of the board and filed with the other records at said hospital relating to the former patient whose property shall have been disposed of as aforesaid.

Section 9. Any bank book representing a deposit account in a savings bank or trust company within the commonwealth, which belongs to a former patient of said hospital and shall have remained unclaimed for more than two years in the custody of the superintendent thereof, may be presented by the trustees to such bank or trust company accompanied by their written request for payment to them of such deposit account except so much as is in excess of the amount due the commonwealth for the support of such patient, and such bank or trust company shall thereupon pay to the trustees the amount so requested.

Section 10. The trustees shall have and exercise the same powers relative to patients and their property as towns and boards of public welfare have relative to persons supported or relieved by them, and the same powers as said boards to return patients of said hospital to the place or country from which they came.

Section 11. The superintendent, subject to the rules and regulations of the hospital, shall receive any person sent with a proper certificate from the department of public welfare, or from the department of public health, or from a board of public welfare, or from a board of health, or from the institutions department of the city of Boston, or from some one duly authorized by said boards or said departments, and shall provide for them under the rules and regulations made under section four.

Section 12. If a person, who has received a certificate as described in section eleven, desires to be sent to any state or place where he has a legal settlement, or to friends willing to support him, the department of public welfare, on the advice of the department of public health, may remove said person, if in its judgment it is for the interest of the commonwealth and of said person.

Section 13. The department may, if expedient, remove any person infected with a disease dangerous to the public health, who is maintained or liable to be maintained by the commonwealth, to the Tewksbury hospital, or may provide such place of reception for such person as is judged best for his accommodation and the safety of the public, which place shall be subject to the regulations of said department, and it shall have the same authority to remove such person thereto as is conferred upon boards of health by section ninety-five of chapter one hundred and eleven, and any expenses incurred in carrying out this

section may be paid from the annual appropriation to the department of public welfare for expenses in connection with smallpox and other diseases dangerous to the public health.

Section 14. Any person who is a resident of the commonwealth and is affected with any disease, except mental defect or insanity, may be admitted to the Tewksbury hospital; provided, that his admission shall be only upon the certificate of the board of health of the town from which he is sent. The department of public health may make rules and regulations for such admission and to facilitate the operation of this section.

The expenses of the maintenance of such a patient shall be paid by him, his executor or administrator, except that persons in receipt of public assistance shall have their responsibility for payment of such charges fixed in accordance with the provisions of the particular category of assistance under which they are aided. Persons or kindred bound by law to support such needy persons, not eligible for public assistance, shall be assessed in accordance with a schedule approved by said department.

Section 15. The superintendent, with the consent of the trustees, may contract with any person for the employment of any patient of the said hospital in any kind of lawful labor for such wages or on such terms as the superintendent and trustees approve. If a contract is so made, such patient shall be discharged from said institution, and, if he refuses to accept the employment offered, shall forfeit all claim to support.

Section 16. The kindred liable by law to towns for expenses in supporting such persons shall in like manner be liable to the commonwealth for any expense incurred for such persons; and the department may adopt the same measures and institute like proceedings for the recovery of such expenses from the kindred so liable as are prescribed for towns in like cases.

Section 17. Towns may at their own expense send to said hospital, to be maintained at the public charge, all persons falling into distress therein and having no settlement within the commonwealth. The town shall be reimbursed by the commonwealth, upon bills approved by the department of public welfare and certified by the comptroller, which bills shall be rendered to the said department on or before the first day of September annually for the twelve months ending on the thirtieth day of June preceding; provided, that such accounts for the twelve months aforesaid for allowances to the city or town, if rendered at any time prior to the sixtieth day after the close of the current fiscal year of the city or town, may be received, and in the discretion of said department and upon certification by the comptroller, be allowed and paid when an appropriation therefor has been made. Failure to comply with the rules and regulations of the said department of public welfare shall be ground for disapproval of any account. The town shall be reimbursed by the commonwealth, in the manner provided above, for the expense of transportation to said hospital of each person having no settlement, at a rate not exceeding twelve cents a mile.

Section 18. No town officer or agent having the care and oversight of a sick person shall remove or attempt to remove him or cause him to be removed to said hospital unless there is reasonable cause to believe that such removal will not injure or endanger his health; provided,

that in case of doubt as to the safety of such removal such officer or agent shall obtain a certificate of a competent physician that at the request of such officer or agent he has examined such person, and that in his opinion such person can so be removed without injury or danger to his health; and provided, also, that such removal shall be made whenever ordered by the department. A town officer or agent who violates this section or a physician who gives a false certificate hereunder shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment for not less than three nor more than twelve months, or both.

Section 19. No town officer shall send to said hospital any person infected with smallpox or other disease dangerous to the public health, or except as provided in the preceding section, any other sick person whose health would be endangered by removal; but all such persons liable to be maintained by the commonwealth shall be supported during their sickness by the town where they are taken sick, and written notice of such sickness shall be given to the department of public health, which may examine the case and, if found expedient, order the removal of the patient; but such notice in the case of sick persons whose health would be endangered by such removal shall be signed by the members of the board of public welfare or the board of health or by a person appointed by them by special vote, who shall certify, after personal examination, that in their or his opinion such removal at the time of his application for aid would endanger his health. A town officer who knowingly violates this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Section 20. Reasonable expenses incurred by a town under section nineteen within one month next before notice has been given as therein required and also after the giving of such notice and until said sick person is able to be removed to said hospital shall be reimbursed by the commonwealth. If the department of public welfare, after investigation, deems it expedient as an economy in expenditure and in the interest of the patient's health, it may authorize reimbursement for aid rendered after the patient has become able to be so removed, and, in its discretion, until the patient is able to be discharged. If the said department considers it expedient to order the removal to said hospital of a person whose physical condition is such as to require attendance, reasonable expenses incurred for such attendance as directed by said department shall also be reimbursed by the commonwealth. Bills for such support shall not be allowed unless endorsed with the declaration that, after full investigation, no kindred able to pay the amount charged have been found, and that the amount has actually been paid from the town treasury. There shall be allowed for the support of a person in a hospital, sanatorium or infirmary such amounts as are certified annually to the said department by the commissioner of administration under section thirty A of chapter seven with respect to the hospital, sanatorium or infirmary which renders support and treatment. In cases where the commonwealth or any subdivision thereof may be reimbursed from federal funds or funds from any other source in excess of the above amount, the amount so received shall be paid for such support and treatment. Expenses incurred by a town for tonsil and adenoid operations shall be reimbursed by the commonwealth to an amount not exceeding twenty-five dollars in the case of any one such operation.

Reimbursement by the commonwealth under the provisions hereof shall follow the same procedure and be subject to the general provisions of that reimbursement provided for in section seventeen.

Section 21. A justice of the superior court or of a district court, upon complaint of the board of public welfare or board of health of any town or of the department of public health, may, by warrant directed to a constable or other person therein designated, cause any person aided under chapter one hundred and seventeen or under this chapter, not born or not having a settlement in the commonwealth, who may conveniently be removed, to be conveyed at the expense of the commonwealth to any state or, if not a citizen of the United States, to any place beyond sea, where he belongs.

Section 22. A treasurer of a savings bank, national bank, trust company, co-operative bank, benefit association, credit union, insurance company or safe deposit company who, upon written request, signed by an officer of the department of public health, unreasonably refuses to inform him of the amount deposited in the corporation, association, or credit union to the credit of a person named in such request who is a charge upon the commonwealth, or who wilfully renders false information in reply to such request, shall forfeit fifty dollars to the use of the commonwealth.

Section 23. Any patient of Tewksbury hospital who has in his possession, within or outside the precincts thereof, any liquid or other article with intent to consume the same as an inebriant, or to convey, give, sell or deliver the same to any other patient thereof for such consumption, shall be punished by a fine of not more than fifty dollars or by imprisonment in a jail or house of correction for not more than six months. This section shall not apply to the possession, handling or consumption of any such liquid or article under lawful directions of a physician.

SECTION 8A. The first paragraph of section 96 of chapter 123 of the General Laws, as amended by section 4 of chapter 598 of the acts of 1954, is hereby further amended by striking out, in lines 2 and 3, the words "of the Tewksbury state hospital and infirmary and".

SECTION 8B. Section 96 of chapter 127 of the General Laws is hereby amended by striking out the last sentence, as amended by section 42 of chapter 351 of the acts of 1941, and inserting in place thereof the following sentence: — If it has no settlement in the commonwealth, it shall be sent to the Tewksbury hospital.

SECTION 8C. Section 118 of said chapter 127, as most recently amended by section 2 of chapter 510 of the acts of 1941, is hereby further amended by striking out, in lines 10 and 11, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 8D. Section 151 of said chapter 127, as most recently amended by section 11 of chapter 731 of the acts of 1956, is hereby further amended by striking out, in line 24, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 8E. Section 123 of chapter 266 of the General Laws, as amended by section 27 of chapter 344 of the acts of 1941, is hereby further amended by striking out, in line 5, the words "state hospital and infirmary" and inserting in place thereof the word: — hospital.

SECTION 9. The rules and regulations of the Tewksbury state hospital and infirmary on the effective date of this act shall remain in effect as the rules and regulations of the Tewksbury hospital until such time as said rules and regulations shall be changed in whole or in part by the trustees pursuant to section four of chapter one hundred and twenty-two of the General Laws, as appearing in section eight of this act.

SECTION 10. The trustees of the Tewksbury state hospital and infirmary on the effective date of this act, shall continue to serve as trustees of the Tewksbury hospital for the remainder of their respective terms of office, as though their original appointments were to the board of trustees of the Tewksbury hospital, serving in the department of public health.

SECTION 11. Notwithstanding any of the provisions of chapter one hundred and twenty-two of the General Laws, as appearing in section eight of this act, the superintendent of the Tewksbury state hospital and infirmary on the effective date of this act, and who was employed as such prior to January first of the current year, shall continue to serve as superintendent of the Tewksbury hospital, and his tenure of office shall be unlimited, and he may be removed therefrom or lowered in rank or compensation, or transferred, only in the manner provided by the civil service laws. This section shall not apply to successors in office of the superintendent.

SECTION 12. The officers and employees of the Tewksbury state hospital and infirmary serving therein upon the effective date of this act, who are subject to the civil service laws, and all other officers and employees of the said hospital and infirmary who have attained tenure, shall continue to serve in the Tewksbury hospital without impairment of their civil service or other rights, and such employees shall retain any step-rate increases from the minimum pay of their grade earned during their services with said hospital and infirmary, and for retirement purposes their services with said hospital and infirmary shall be deemed to be creditable service; and officers and employees of the said hospital and infirmary on said effective date shall, for the purposes of determining their period of service under the provisions of sections nine A and nine B of chapter thirty of the General Laws be considered to have been in the service of the Tewksbury hospital from the date of their original appointment or employment without interruption by the enactment of this act.

The employees of the subdivision of social service of the division of public assistance in the department of public welfare serving therein upon the effective date of this act, who are subject to the civil service laws, are hereby transferred to the department of public health, and shall continue to give service for the Tewksbury hospital without impairment of their civil service or other rights, and such employees shall retain any step-rate increases from the minimum earned during their services with said department of public welfare, and for retirement purposes their services with said department of public welfare shall be deemed to be creditable service.

SECTION 13. On the effective date of this act, so much may be transferred from the annual appropriation of the department of public welfare to the department of public health as is necessary for the reassignment of clerical and professional personnel.

SECTION 14. When used in any statute, ordinance, by-law, rule or regulation, the phrase "state infirmary" or "Tewksbury state hospital and infirmary", or any words connoting the same, shall mean the Tewksbury Hospital, unless a contrary intent clearly appears.

Approved October 3, 1958.

CHAP. 614. AN ACT PROVIDING SURVIVOR BENEFITS TO CERTAIN ELIGIBLE WIDOWS AND CHILDREN UNDER THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Option (d) of subdivision (2) of section 12 of chapter 32 of the General Laws, as most recently amended by chapter 494 of the acts of 1955, is hereby further amended by adding at the end the following paragraph: —

The normal monthly retirement allowance payable under this option to a widow of a deceased member having at least five years of creditable service shall be not less than the allowance provided under section twelve B; provided, such widow had been married to such member for at least three years and was living with him at the time of his death.

SECTION 2. Said chapter 32 is hereby further amended by inserting after section 12A, inserted by chapter 505 of the acts of 1956, the following section: — *Section 12B.* If a member in service who has five years of creditable service dies and leaves a wife to whom he had been married for at least three years and with whom he was living at the time of his death, there shall be paid to such widow an allowance of one hundred dollars a month, and if there are any children of said deceased member who are under the age of eighteen or over said age and physically or mentally incapacitated from earning, an additional allowance of fifty dollars a month for the first such child plus an allowance of thirty-five dollars for each additional such child, shall be paid to said widow for the benefit of all such children. If there is no surviving widow of such member or if his surviving widow dies such amount as would be payable to a widow under this section for her own use and for the benefit of such children shall be paid in equal shares to such children surviving. If a widow remarries all payments under the foregoing provisions shall terminate, and thereafter each such child shall be paid thirty-five dollars monthly. Allowances payable to a widow under this section shall terminate upon her remarriage or death; and allowances payable to or for a child shall terminate upon his adoption, upon reaching the age of eighteen unless he is physically or mentally incapacitated from earning, or upon his marriage, whichever first occurs, or upon his death. The word "child" shall include a legally adopted child of the deceased member.

A surviving eligible widow may elect to receive allowances under this section or to receive the survivor benefits as provided under option (d) of subdivision (2) of section twelve.

The allowances paid to any widow or child under the provisions of this section shall not be in addition to but shall be reduced by the amount of any benefits payable to such widow or child as old age and survivors' insurance benefit payments under the federal social security act.

Approved October 3, 1958.

CHAP. 615. AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN GRIEVANCES OF EMPLOYEES OF THE COMMONWEALTH, ABOLISHING THE PERSONNEL APPEAL BOARD AND CREATING A NEW PERSONNEL APPEALS BOARD AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30 of the General Laws is hereby amended by striking out sections 53 to 57, inclusive, added by chapter 485 of the acts of 1945, and inserting in place thereof the following five sections: —

Section 53. The director of personnel and standardization shall make and from time to time may amend, subject to the approval of the commission on administration and finance, rules and regulations providing informal procedure for the prompt disposition of any grievance of any employee of the commonwealth, or of any group of such employees employed by the same appointing authority, relating to classification, hours of employment, vacations, sick leave or other forms of leaves of absence, and overtime. No such grievance shall be so disposed of if the disposition thereof is within the jurisdiction of the civil service commission or the contributory retirement appeal board. Such rules and regulations shall provide the procedure to be followed by an employee or by a group of employees employed by the same appointing authority in bringing an alleged grievance before the appointing authority. An aggrieved party may appeal in writing from the finding of the appointing authority to the director of personnel and standardization and shall be entitled to a hearing upon such appeal. If the appointing authority fails to make a finding within fifteen days of the hearing, the aggrieved party may appeal to said director in like manner. Said director shall grant a hearing to the aggrieved party within fifteen days of the receipt of such appeal, and shall make a decision thereon not later than fifteen days after the close of the hearing. If either the appellant or the appointing authority is aggrieved by a decision of the director, said appellant or appointing authority may appeal to the personnel appeals board established under section fifty-four, but said appeal shall be taken not later than ten days after the mailing of said decision to the appellant or the appointing authority. If the director fails to grant a hearing or having granted a hearing fails to make a decision within the above prescribed time, the aggrieved party may appeal to said board, but said appeal shall, in the event no hearing was granted, be taken not later than twenty-five days after the date of his appeal to the director, and, in the event that no decision was made, not later than twenty-five days after the hearing was closed.

The decision of the director shall be final and shall be binding on all agents and agencies of the commonwealth, subject to the provisions contained in section fifty-seven, unless an appeal therefrom is made to the personnel appeals board as hereinbefore provided.

No appeal shall be allowed at any stage of the proceedings unless there is a compliance with the provisions of this section and with the rules and regulations established by the director of personnel and standardization.

Section 54. There is hereby established the personnel appeals board, which shall consist of three members who shall have expert knowledge

and skill in the field of personnel administration or industrial relations, and who shall not hold any office or position, appointive or elective, in the service of the commonwealth. The members shall be appointed by the governor with the advice and consent of the council. The governor shall designate one of the members as chairman. The terms of the three members shall be as follows: the first member appointed shall serve until July first, nineteen hundred and sixty-three; the second member appointed shall serve until July first, nineteen hundred and sixty-two; and the third member appointed shall serve until July first, nineteen hundred and sixty-one. Upon the expiration of the term of office of any member, his successor shall be appointed in like manner for a term of five years. The governor may also, in like manner, fill any vacancy in said board for the unexpired portion of the term.

Section 55. The chairman of the board shall receive compensation at the rate of thirty-five dollars per day for each day of service, and the other members shall receive compensation at the rate of thirty dollars per day for each day of service, but in any fiscal year not more than twenty-one hundred dollars shall be paid to the chairman, and not more than eighteen hundred dollars shall be paid to any other member. Each member of the board shall be reimbursed for necessary traveling expenses incurred by him in the performance of his duties. The director of personnel and standardization shall furnish such clerical assistance as may be required to carry out the provisions of sections fifty-three to fifty-seven, inclusive, and shall make provision for the keeping in his office of the records relative to the disposition of grievances of state employees. Said director shall be represented at all hearings of the board, and the aggrieved employee or his designated representative or the designated representative of a group of aggrieved employees employed by the same appointing authority may be present and may participate in the hearing when the appeal is to be heard.

Section 56. The chairman of the personnel appeals board shall call meetings of the board when necessary, shall set the dates for such meetings as well as for hearings before said board, and shall cause the necessary notices to be given. The personnel appeals board shall, before hearing any appeal, determine whether it has jurisdiction over the subject matter of the alleged grievances, and whether the rules and regulations of the director of personnel and standardization have been complied with. If said board refuses to accept jurisdiction over the subject matter of an alleged grievance, it shall within fifteen days of the request for a hearing, so notify the appellant in writing, giving the reason therefor. The appellant may request a review by the board of said refusal and shall be entitled to a hearing thereon. If the board determines that it has jurisdiction over the subject matter, it shall grant a hearing thereon within fifteen days of the request, and it shall make its decision within fifteen days of the close of said hearing. Each decision of said board shall be by a majority vote, shall be in writing, and a copy thereof shall be furnished to the parties involved and to the director of personnel and standardization forthwith.

Section 57. The decision of the board shall be final and shall be binding on all agents and agencies of the commonwealth; provided, that any such decision may have retroactive effect only in accordance with rules made under the provisions of section fifty-three; and provided,

further, that no such decision shall require any payment to be made as of any date before the beginning of the fiscal year in which such decision shall be rendered. If such decision shall require the payment of money to any employee of the commonwealth, the board shall notify the appointing authority, the director of personnel and standardization, the budget commissioner, and the comptroller of the amount or amounts thereof, and such amount or amounts shall be paid from available appropriations if in accordance with law.

SECTION 2. The personnel appeal board existing immediately prior to the effective date of this act is hereby abolished, and all papers and records of said board shall upon said date be turned over to the personnel appeals board established under section fifty-four of chapter thirty of the General Laws, as appearing in section one of this act.

Approved October 3, 1958.

CHAP. 616. AN ACT INCREASING THE MINIMUM FAIR WAGE RATE.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 151 of the General Laws, is hereby amended by striking out the second paragraph as most recently amended by section 2 of chapter 740 of the acts of 1956, and inserting in place thereof the following paragraph: —

No wage board, however, can recommend minimum fair wage rates below ninety cents per hour, except for learners and apprentices, and except for service people who regularly receive gratuities and whose minimum fair wage rates shall not be below sixty-five cents per hour, and except for janitors and caretakers of residential property, who, when furnished with living quarters, shall be paid a wage of not less than twenty-eight dollars per week, and except for services as golf caddies.

SECTION 2. Existing minimum wage orders which have been promulgated under the provisions of chapter one hundred and fifty-one and which, on the effective date of this act, contain minimum wage requirements less than those provided herein shall on the effective date of this act automatically advance to the minimums set forth herein and the commissioner of labor and industries shall issue a mandatory order to that effect prior to said date.

Approved October 3, 1958.

CHAP. 617. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN TEACHERS WHO AFTER REACHING THE AGE OF RETIREMENT REMAINED IN SERVICE AT THE REQUEST OF THE SCHOOL COMMITTEE FOR THE CONTINUED EMPLOYMENT OF SUCH TEACHER UNTIL THE END OF THE SCHOOL YEAR.

Be it enacted, etc., as follows:

Any teacher who was permitted to remain in service after January first, nineteen hundred and fifty-seven under the provisions of paragraph (f) of subdivision (1) of section five of chapter thirty-two of the General Laws, as in effect prior to the effective date of this act, and remained in such service until the end of the school year in nineteen hundred and fifty-seven, shall, notwithstanding any provision of law to the contrary, receive the retirement allowance to which he would have been entitled if chapter six hundred and sixty-one of the acts of nineteen hundred and fifty-seven had been in effect on the date he attained the age of seventy.

Approved October 3, 1958.

CHAP. 618. AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF WATERWAYS OF THE DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT AND MAINTAIN STONE GROINS OR JETTIES ALONG THE SHORE OF PLUM ISLAND WITHIN THE CITY OF NEWBURYPORT AND THE TOWN OF NEWBURY.

Be it enacted, etc., as follows:

The division of waterways of the department of public works is hereby authorized and directed, subject to the provisions of chapter ninety-one of the General Laws, to construct and maintain four stone groins or jetties along the shore of Plum island within the city of Newburyport and the town of Newbury. Said department shall utilize all prior studies and surveys made of the storm damage and erosion along said shore as well as current studies and surveys, and may expend for the purposes of this act such sums as may be appropriated therefor.

Approved October 3, 1958.

CHAP. 619. AN ACT AUTHORIZING MEMBER TOWNS OF A REGIONAL SCHOOL DISTRICT TO MAKE CERTAIN PAYMENTS THERETO PRIOR TO THE ANNUAL APPROPRIATION THEREFOR.

Be it enacted, etc., as follows:

Section 16B of chapter 71 of the General Laws, inserted by section 1 of chapter 638 of the acts of 1949, is hereby amended by adding at the end the following paragraph:—

The treasurer of any member town of a regional school district with the approval of the board of selectmen may, during the interval between January first and the date when such town makes the annual appropriation of the amount apportioned to it as provided in the first paragraph, make payments to the regional school district from the treasury of such town from any funds available therein. Such payments shall not exceed in the aggregate one third of the amount so apportioned and shall be charged against such appropriation.

Approved October 3, 1958.

CHAP. 620. AN ACT ESTABLISHING A MINIMUM WAGE OF ONE DOLLAR IN MANUFACTURING OCCUPATIONS.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 1 of chapter 151 of the General Laws, as most recently amended by section 1 of chapter 740 of the acts of 1956, is hereby further amended by inserting after the word "nine", in line 7, the words: — ; provided, that no employer shall pay any employee engaged in any manufacturing occupation a wage of less than one dollar per hour, except as provided in section nine.

SECTION 2. Paragraph (2) of section 19 of said chapter 151, as most recently amended by section 3 of said chapter 740, is hereby further amended by inserting after the word "any", the second time it appears in line 5, the words: — manufacturing occupation or in any other.

SECTION 3. Existing minimum wage orders covering manufacturing occupations which have been promulgated under the provisions of chapter one hundred and fifty-one of the General Laws, and which, on

the effective date of this act, contain minimum wage requirements less than those provided herein, shall on said effective date automatically advance to the minimums set forth herein and the commissioner of labor and industries shall issue a mandatory order to that effect prior to said date.

Approved October 3, 1958.

CHAP. 621. AN ACT ESTABLISHING A MINIMUM ANNUAL COMPENSATION FOR FIRE FIGHTERS IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 108C the following section: — *Section 108D.* Notwithstanding the provisions of any general or special law to the contrary, the minimum annual compensation of each permanent fire fighter in the fire department of any city or town, except one who by virtue of section twenty D of chapter thirty-one is not regarded as holding employment, shall be not less than five thousand dollars. This section shall become effective when accepted in a city having a plan E charter by the affirmative vote of a majority of all the members of the city council, and, in the case of other cities by vote of the city council, subject to the provisions of the charter, and in a town by a majority vote at a town meeting.

Approved October 3, 1958.

CHAP. 622. AN ACT AUTHORIZING THE TOWN OF PHILLIPSTON TO CONVEY TO THE CONGREGATIONAL CHURCH OF PHILLIPSTON MASS. A PORTION OF THE OLD TOWN COMMON.

Be it enacted, etc., as follows:

SECTION 1. The town of Phillipston is hereby authorized to convey to The Congregational Church of Phillipston Mass. the following described portion of the Old Town Common:— Commencing at the intersection of the town road leading across the Phillipston Town Common and the driveway of Loring Chandler et ux; thence S 65° E 125 feet, more or less, to an iron pipe at the intersection of said town road and a driveway leading to the town barn; thence N 45° E 136 feet, more or less, to a curve in line of the Town Common and land now or formerly of Loring Chandler et ux; thence N 75° E 134 feet, more or less, to a stone wall in said Chandler property; thence S 20° W 25 feet, more or less, and still by said Chandler property, to a stone; thence N 75° W 58.8 feet to a stone post; thence S 20° W 66.8 feet to the place of beginning. Being a portion of the Town Common on which is presently located the Phillipston Congregational Church.

SECTION 2. This act shall take effect upon its acceptance by the voters of the town of Phillipston at a town meeting called for the purpose.

Approved October 3, 1958.

CHAP. 623. AN ACT ESTABLISHING A RETIREMENT LAW COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 17, as most recently amended by section 1 of chapter 577 of the acts of 1958, and inserting in place thereof the following section: — *Section 17.* The armory commission, the art commission, the commission on administration and finance, the commissioner of vet-

erans' services, the commissioners on uniform state laws, the public bequest commission, the state ballot law commission, the board of trustees of the Soldiers' Home in Massachusetts, the board of trustees of the Soldiers' Home in Holyoke, the milk regulation board, the alcoholic beverages control commission, the state housing board, the trustees of the state library, the state racing commission, the Greylock reservation commission, the Port of Boston commission, the Massachusetts commission against discrimination, the state airport management board, weather amendment board, council for the aging, commissioner on alcoholism, the boxers' fund board, Massachusetts commission on atomic energy, finance advisory board, medical, dental and nursing scholarship board, retirement law commission, the Massachusetts aeronautics commission, the obscene literature control commission and the Massachusetts rehabilitation commission shall serve under the governor and council, and shall be subject to such supervision as the governor and council deem necessary and proper.

SECTION 2. Said chapter 6 is hereby further amended by adding after section 101, added by section 2 of said chapter 577, the following three sections under the caption RETIREMENT LAW COMMISSION:—
Section 102. There shall be a retirement law commission of seven members, consisting of the executive secretary of the state board of retirement, the executive secretary of the teachers' retirement board, and five members appointed by the governor, with the advice and consent of the council. The members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. The chairman of said commission shall be designated from time to time by the governor. Upon the expiration of the term of an appointive member, his successor shall be appointed in the manner aforesaid for a term of five years.

Section 103. The retirement law commission shall conduct continuing studies of the operation of all provisions of law relative to retirement allowances, pensions or annuities; the administration of pensions by state, county, city and town agencies; and shall study the potential cost of provisions of existing law and of all proposed changes. Said commission shall report annually to the governor and to the general court its activities and accomplishments, and such recommended legislation as may be necessary to effect desirable changes in the retirement law and to promote a more efficient administration thereof. It may prepare and publish reports for the information of employees concerning benefits available and procedures to be followed, and reports to the public to promote more adequate understanding of the retirement policies and problems of the commonwealth.

Section 104. Said commission may appoint an executive secretary who shall not be subject to chapter thirty-one and who shall receive such salary as the commission with the approval of the governor and council may fix, and may appoint such other assistants, consultants, investigators and experts as it deems necessary to carry out the provisions of section one hundred and three. Said commission shall be provided with adequate offices in the state house or elsewhere in the city of Boston. It may call upon any department, board, commission or officer of the commonwealth or of any subdivision of the commonwealth for such information as it may desire in the course of its duties. It may

hold public hearings and shall have the power to summon witnesses and to require the production of books, records and papers.

SECTION 3. Of the members first appointed to the retirement law commission, established under section one hundred and two of chapter six of the General Laws, added by section two of this act, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years.

Approved October 3, 1958.

CHAP. 624. AN ACT PROVIDING FOR THE CONSTRUCTION BY THE CITY OF BOSTON OF A NEW CITY HALL.

Be it enacted, etc., as follows:

SECTION 1. The Boston Redevelopment Authority is hereby authorized to convey to the city of Boston, with or without consideration, a suitable site for a new city hall for said city; and said city is hereby authorized to acquire by purchase or gift from said authority or otherwise or to acquire by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws from said authority or otherwise, such site and to construct and maintain thereon such new city hall. Said city is hereby further authorized to assume in acquiring the whole or any part of such site from said authority any and all obligations imposed by or under section twenty-six LL of chapter one hundred and twenty-one of the General Laws.

SECTION 2. Until the completion of the construction of such new city hall, there shall be in said city a board, known as the Government Center Commission consisting of the director of administrative services of said city, the chairman of the city planning board of said city, and the commissioner of public works of said city, ex officio, and four other members appointed by the mayor of said city, as follows: — one from three candidates nominated by the Associated General Contractors of Massachusetts, Inc., one from three candidates nominated by the Building Trades Council of Boston and Vicinity, one from three candidates nominated by The Boston Society of Architects, and one selected at large by the mayor. Any vacancy in the office of any appointive member shall be filled in the same manner as the original appointment.

The member appointed by the mayor upon selection at large shall be chairman of the Government Center Commission. Said commission shall elect one of its members as vice chairman, and shall also elect a secretary, who need not be a member of the commission. The members of the Government Center Commission shall serve without compensation but shall be reimbursed for their traveling and other necessary expenses incurred in the performance of their duties.

SECTION 3. The Government Center Commission created by section two shall have the power and duty to acquire in the name and behalf of said city by purchase or gift from said authority or otherwise or to request the public improvement commission of said city to so acquire by eminent domain under said chapter seventy-nine or eighty A from said authority or otherwise, a suitable site for a new city hall for said city, and, in acquiring the whole or any part of such site from said authority, to assume in the name of said city any and all obligations imposed by or under the aforesaid section twenty-six LL. Subject to the

provisions of sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine of the General Laws and the provisions of section six of chapter four hundred and eighteen of the acts of eighteen hundred and ninety, as respectively amended, the Government Center Commission shall also have the power and duty to contract in the name and behalf of said city for the preparation of such site and the planning and construction thereon of such new city hall.

SECTION 4. For the purposes of this act said city may from time to time borrow not exceeding, in the aggregate, twenty million dollars and issue and sell at public sale serial bonds or notes of the city therefor which shall be registered or with interest coupons attached as the collector-treasurer of said city may deem best. Such bonds or notes shall bear on their face the words: — City of Boston, New City Hall Loan, Act of 1958. Each issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates. Debt incurred from time to time under authority of this act shall not be included in determining the limit of indebtedness of said city as established by law but shall, except as herein provided, be subject to the provisions applicable to said city of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof but including the provisions of section seventeen thereof relative to temporary loans in anticipation of the issue of bonds or notes.

SECTION 5. This act shall take effect upon its passage.

Approved October 6, 1958.

CHAP. 625. AN ACT ESTABLISHING A BOARD OF REGISTRATION OF ELECTROLOGISTS AND REGULATING THE PRACTICE OF ELECTROLYSIS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting after section 57, under the caption BOARD OF REGISTRATION OF ELECTROLOGISTS, the following three sections: — *Section 58.* There shall be a board of registration of electrologists consisting of three persons, residents of the commonwealth, of whom two shall be licensed electrologists who have been engaged in the practice of electrolysis in the commonwealth for at least five years, and one shall be a physician registered under the laws of the commonwealth. No member of the board, while in office, shall have any financial interest, direct or indirect, in the manufacture or sale of equipment and supplies used in the practice of electrolysis or shall engage in the teaching of electrolysis. A member of said board shall be appointed in January of each year by the governor, with the advice and consent of the council, for a term of three years from the first day of the following February.

Section 59. The members of said board shall meet in February in each year at such time or place as they shall determine, and shall organize by electing from its own members a chairman and a secretary, who shall hold their respective offices for one year. The board shall hold regular meetings in February, May, August and November, and such additional meetings as it may determine, at such times and places as may be agreed upon by the members.

Section 60. There shall be paid by the commonwealth to the secretary of said board a salary of five hundred dollars and his necessary traveling expenses, not exceeding three hundred dollars, actually incurred in attending to the necessary work of the board, and to each of the other members of the board a salary of two hundred dollars, and his necessary traveling expenses actually incurred in attending the meetings thereof, and such other expenses of the board as are incurred under section fifty-nine and under sections eighty-seven FFF to eighty-seven OOO, inclusive, of chapter one hundred and twelve.

SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section eighty-seven DDD, inserted by section 2 of chapter 726 of the acts of 1957, under the caption REGISTRATION OF ELECTROLOGISTS, the following eleven sections: — *Section 87EEE.* For the purposes of sections eighty-seven FFF to eighty-seven OOO, inclusive, the following words shall, unless the context requires otherwise, have the following meanings: —

“Board”, the board of registration of electrologists established under section fifty-eight of chapter thirteen.

“Electrolysis”, the method of removing hair from the human body by the application of an electrical current to the hair-papilla by means of a needle or needles to cause decomposition, coagulation or dehydration of the hair-papilla and thus permanently remove the hair.

Section 87FFF. No person shall engage in the practice of electrolysis or hold himself out as a practitioner of, or being able to practice, electrolysis unless he is duly licensed by the board or is a qualified physician registered under the laws of the commonwealth. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

Section 87GGG. Any person desiring to engage in the practice of electrolysis shall make application upon a form furnished by the board, which application shall be signed and sworn to by the applicant. Each application shall be accompanied by a fee of twenty-five dollars. Each applicant who shall furnish the board with satisfactory proof that he is twenty-one years of age or over, of good moral character and a citizen of the United States or has filed a declaration of intention to become a citizen of the United States and that he possesses (1) the educational qualifications required for graduation from an accredited high school, and (2) the basic knowledge of histology, bacteriology and sterilization, electricity, hair structure, dermatology, physiology, hygiene and equipment necessary for the practice of electrolysis, shall be examined by the board, and, if he passes such examination, shall be licensed as a qualified electrologist and granted a certificate signed by the chairman and secretary of the board in testimony thereof. Such license shall be valid for a period of two years from its date of issue, and may be renewed for a like period upon application therefor on blank forms to be furnished by the board. The fee for each such renewal shall be thirty dollars.

Section 87HHH. Every person to whom a license has been issued under section eighty-seven GGG shall cause the same to be recorded in the office of the clerk of the town where he principally practices electrolysis, and if he moves his principal office he shall, before engaging in practice at a new address, notify the board in writing of the place where he is to engage in practice. If such removal is to another town, he shall obtain from the clerk of the town where his license is recorded a certified

copy thereof and file it with the clerk of such other town. The fee for recording such license or certified copy thereof shall be one dollar.

Every licensed electrologist shall display his license in a conspicuous place in the principal office wherein he practices electrolysis, and shall, whenever required, exhibit it to the board or its authorized representative.

The practice of electrolysis shall be engaged in only in a fixed place or establishment, which place or establishment shall be provided with such instruments, implements and equipment, and subject to such sanitary regulations and inspection, as said board may prescribe.

Nothing in the preceding paragraph, or in any statute, ordinance, provision of law, rule or regulation shall be construed to prohibit the practice of electrolysis and the maintenance of an electrolysis office, in the licensee's home or residence; provided, the licensee complies with the conditions outlined above.

Section 87III. The board may suspend or revoke any license issued by it after due public hearing upon finding the holder of such license to be guilty of a crime involving moral turpitude, or of unprofessional conduct, which is hereby defined to include (a) misrepresentation or fraud in the conduct of his practice, (b) false, fraudulent or misleading advertising, and (c) fraud or misrepresentation in obtaining a license. Any electrologist whose license has been suspended or revoked may apply to the board to have the same reissued, and the license shall be reissued upon a satisfactory showing to the board that the cause for dissatisfaction has ceased.

Section 87JJJ. Any electrologist aggrieved by any decision or ruling of said board may, within thirty days after receiving in writing notice of such decision or ruling, appeal therefrom to the superior court for the county in which he resides, by filing in the office of the clerk of said court his reasons for appeal, and within seven days thereafter filing a copy thereof with the chairman of said board. The court shall as promptly as may be, after such notice as it may direct, hear and determine said appeal. The decision of said court shall be final.

Section 87KKK. No licensed electrologist shall include in any advertising, fees for performing or rendering any service, or publish, issue or make any misrepresentation, false, fraudulent or misleading statements through the press, circulation of advertising matter, radio, television, display signs or otherwise.

Section 87LLL. The board shall, upon the request of any school teaching electrolysis in the commonwealth, inspect such school and notify the governing body thereof in writing if said school is approved by the board, or if not, what action said school must take in order to be approved by the board. The board and the commissioner of public health, acting in an advisory capacity, shall forthwith establish standards to be met by said electrolysis school, and when in the opinion of the board such standards have been met by said school, a license of approval shall be awarded to it; provided, that if at any time an approved school has, in the opinion of the board, lowered its standards below those established by the board, such license, after notice and hearing, may be revoked by the board. Any applicant aggrieved by the refusal of the board to approve an electrolysis school shall be entitled to have the reasonableness of such refusal reviewed by a justice of the superior court whose decision shall be final.

Section 87MMM. The board may make and shall publish necessary rules and regulations for the proper discharge of its duties and the enforcement of sections eighty-seven FFF to eighty-seven OOO, inclusive.

Section 87NNN. Whoever violates any provision of sections eighty-seven FFF to eighty-seven OOO, inclusive, for which a penalty is not otherwise prescribed, or any rule or regulation of the board shall be punished by a fine of not more than twenty dollars.

Section 87OOO. The board may, upon the payment of a fee of twenty-five dollars, grant, without examination, a license to practice electrolysis, and issue a certificate, to any person licensed or registered under the laws of any other state, which state, in the opinion of the board, shall require a degree of competency equal to that required of applicants for licensure as electrologists in this commonwealth, and which extends a like courtesy to electrologists licensed in this commonwealth.

SECTION 3. Any person who on the effective date of this act has attained the age of twenty-one, and who has been actively engaged in the practice of electrolysis for one year during the three years immediately preceding said effective date, shall, upon application, accompanied by a fee of twenty-five dollars, be granted a license to engage in the practice of electrolysis by the board of registration of electrologists, without examination; provided, he makes such application on or before the first day of August, nineteen hundred and fifty-nine.

SECTION 4. The initial members appointed to the board of registration of electrologists, established by section fifty-eight of chapter thirteen of the General Laws, inserted by section one of this act, shall be appointed for terms of one, two and three years, respectively, as the governor, with the advice and consent of the council, may designate, and no one of such members need be a licensed electrologist, nor shall any successor to any such appointee, if appointed prior to January first, nineteen hundred and sixty, be a licensed electrologist. Upon the expiration of the term of any such member his successor shall be appointed for a term of three years, and, except as provided in this section, in compliance with the requirement of said section fifty-eight of said chapter thirteen.

SECTION 5. Sections one, three and four of this act shall take effect in conformity with law, and section two shall take effect on August first, nineteen hundred and fifty-nine. *Approved October 7, 1958.*

CHAP. 626. AN ACT PROVIDING THAT CERTAIN MEETINGS OF CERTAIN PUBLIC BOARDS AND COMMISSIONS SHALL BE OPEN TO THE PUBLIC.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking out clause Twenty-sixth, as appearing in the Tercentenary Edition, and inserting in place thereof the following clause: —

Twenty-sixth, "Public records" shall mean any written or printed book or paper, any map or plan of the commonwealth, or of any county, district, city or town which is the property thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the commonwealth or of a county, district,

city or town has received or is required to receive for filing, and any book, paper, record or copy mentioned in section eleven A of chapter thirty A, where applicable, section nine F of chapter thirty-four, section twenty-three A of chapter thirty-nine, or sections five to eight, inclusive, and sixteen of chapter sixty-six, including public records made by photographic process as provided in section three of said chapter.

SECTION 2. Chapter 30A of the General Laws, inserted by chapter 681 of the acts of 1954, is hereby amended by inserting after section 11 the following section: — *Section 11A.* All meetings of every state board and commission shall be open to the public and to the press unless such board or commission shall vote to go into executive session. Such executive session may be held only for the purpose of discussing, deliberating or voting on those matters which by general or special statute, or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interests of the commonwealth or its political subdivisions, or the reputation of any person.

Except in an emergency, no meeting of any state board or commission subject to this section shall be held unless a notice of such meeting has been filed with the secretary of state, and copies thereof posted in the public office of the commissioner of administration and finance at least twenty-four hours prior to the time of such meeting. For the purpose of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed to be imperative.

All state boards and commissions shall maintain accurate records of their meetings, setting forth the action taken at each meeting, including executive sessions. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the records of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer.

The provisions of this section shall not apply to the executive council, bodies of the judicial branch, committees of the general court, recess commissions or the governing board or body of any authority established by the general court to serve a public purpose in the commonwealth or any part thereof, whether such authority is within or without the formal structure of the state government, or to any meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it, or of the board of bank incorporation, the state tax commission, the small loans regulatory board or the General Insurance Guaranty Fund.

SECTION 3. Chapter 34 of the General Laws is hereby amended by inserting after section 9E, as appearing in the Tercentenary Edition, the following section: — *Section 9F.* All meetings of every county board and commission shall be open to the public and to the press unless such board or commission shall vote to go into executive session. Such executive session may be held only for the purposes of discussing, deliberating or voting on those matters which by general or special

statute, or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the county or its subdivisions, or the reputation of any person.

Except in an emergency, no meeting of any county board or commission shall be held unless a notice of such meeting has been publicly posted, at least twenty-four hours prior to such meeting, in such places as the county commissioners shall designate for the purpose. For the purposes of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed to be imperative.

All county boards and commissions shall maintain accurate records of their meetings, setting forth the action taken at each meeting, including executive sessions. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the minutes of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer.

SECTION 4. Chapter 39 of the General Laws is hereby amended by inserting after section 23, as amended by section 3 of chapter 39 of the acts of 1934, the following two sections: — *Section 23A.* All meetings of every district, city and town board, commission and school committee, and the meetings of the governing board of every local housing authority, shall be open to the public and to the press unless such board, commission or school committee shall vote to go into executive session. Such executive session may be held only for the purpose of discussing, deliberating or voting on those matters which by general or special statute, or federal grant-in-aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the district, city, town or local housing authority, or the reputation of any person.

Except in an emergency, no meeting of any district, city or town board, commission or school committee, and no meeting of the governing board of any local housing authority, shall be held unless a notice of such meeting has been filed at least twenty-four hours prior to such meeting with the clerk of such district, city or town, or, in the case of a local housing authority, with the clerk of the city or town wherein such local housing authority has been appointed. Upon receipt of such notice by any such clerk he shall immediately cause the same, or a copy thereof, to be posted publicly in his office or on the principal official bulletin board of the district, city or town. For the purposes of this section, "emergency" shall mean a situation where immediate, undelayed action is deemed to be imperative.

Every district, city or town board, commission and school committee and the governing board of every local housing authority shall maintain accurate records of their meetings, setting forth the action taken at each meeting, including executive sessions. A summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may remain

secret so long as their publication would defeat the lawful purposes of the executive session, but no longer. The records of each meeting shall become a public record and be available to the public upon being approved; provided, however, that the records of any executive session may remain secret so long as their publication would defeat the lawful purposes of the executive session, but no longer.

This section shall apply to every city council and board of aldermen, however styled.

Section 23B. No person shall address a public meeting of a town board, commission or school committee without leave of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

SECTION 5. Paragraph 2 of section 18 of chapter 43 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Except as otherwise authorized by section twenty-three A of chapter thirty-nine, all sessions of the council shall be open to the public and to the press, and every matter coming before the council for action shall be put to a vote, the result of which shall be duly recorded.

SECTION 6. Section 35 of said chapter 43, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — All meetings of the school committee shall be open to the press and to the public, except as otherwise authorized by section twenty-three A of chapter thirty-nine.

SECTION 7. Section 71 of said chapter 43, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Except as otherwise authorized by section twenty-three A of chapter thirty-nine, all meetings of the city council shall be public; and the mayor, if present, shall preside and may vote.

SECTION 8. Section 84 of said chapter 43, as appearing in section 8 of chapter 459 of the acts of 1948, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Except in the case of executive sessions authorized by section twenty-three A of chapter thirty-nine, all meetings of the city council shall be open to the press and to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

SECTION 9. Section 98 of said chapter 43, as appearing in section 15 of chapter 378 of the acts of 1938, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Except in the cases of executive sessions authorized by section twenty-three A of chapter thirty-nine, all meetings of the city council shall be open to the press and to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

SECTION 10. Chapter 66 of the General Laws is hereby amended by inserting after section 5 the following section:— *Section 5A.* The records required to be kept by sections eleven A of chapter thirty A, nine F of chapter thirty-four, and twenty-three A of chapter thirty-nine, shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town, in the case of municipal boards, commissions and school committees, such records need not include a verbatim record of discussions at such meetings.

SECTION 11. Upon the effective date of this act, the provisions of all special acts which are inconsistent with the provisions of this act shall, only to the extent that they conflict with this act, become null and void.

Approved October 7, 1958.

CHAP. 627. AN ACT RELATIVE TO CERTAIN POSITIONS IN THE DEPARTMENT OF NATURAL RESOURCES.

Be it enacted, etc., as follows:

The positions of full-time conservation helper now operable on a year-round basis in the department of natural resources shall on the effective date of this act be classified under the civil service laws and rules, and the incumbents of these positions on May first, nineteen hundred and fifty-eight, who are still employed in these positions on the effective date of this act shall be deemed to be the incumbents of these positions under civil service without being required to take examinations. The positions known as conservation helper which are not operable on a year-round basis shall henceforth be designated as conservation helper (seasonal), and shall not be subject to the civil service laws and rules.

Approved October 7, 1958.

CHAP. 628. AN ACT AUTHORIZING THE STATE EXAMINERS OF ELECTRICIANS TO APPOINT THEIR EMPLOYEES AND ESTABLISH THEIR DUTIES.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 13 of the General Laws is hereby amended by inserting after the fourth sentence, as appearing in chapter 420 of the acts of 1935, the following sentence:— The board may also appoint, subject to chapter thirty-one, such other clerical and technical assistants as may be necessary to discharge its duties under chapter one hundred and forty-one and shall establish their duties.

SECTION 2. This act shall not affect the civil service or other rights of any employee serving in the office of said board on the effective date thereof.

Approved October 7, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 9, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Mass.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 628 of the Acts of 1958, entitled, "An Act Authorizing the State Examiner of Electricians to Appoint their Employees and Establish their Duties" and the enactment of which received my approval on October 7, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will delay the filling of existing vacancies in accordance with the provisions of said act.

Very truly yours,

FOSTER FURCOLO,

Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 9, 1958.

I, John W. Newman, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and twenty-eight of the acts of nineteen hundred and fifty-eight.

JOHN W. NEWMAN,

Deputy Secretary of the Commonwealth.

CHAP. 629. AN ACT PROVIDING THAT CERTAIN COMPENSATION SHALL BE PAID BY THE COMMONWEALTH TO DEPENDENTS OF AN OFFICER OR ENLISTED PERSON OF THE ARMED FORCES OF THE COMMONWEALTH IN CASE OF DEATH RESULTING FROM INJURY, SICKNESS OR DISEASE WHILE PERFORMING ANY MILITARY DUTIES FOR WHICH HIS DEPENDENTS ARE ENTITLED TO COMPENSATION FROM THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 33 of the General Laws is hereby amended by striking out section 88, as appearing in section 1 of chapter 590 of the acts of 1954, and inserting in place thereof the following section: — *Section 88.* An officer or enlisted person of the armed forces of the commonwealth, while performing any military duty lawfully ordered under any provision of this chapter, or a person not a member of the armed

force of the commonwealth, but who is the owner, or is employed by the owner of a motor vehicle lawfully loaned to or hired by the commonwealth under section eighty-nine and whose services are loaned or given to the commonwealth for any purpose set forth in said section, or a person rendering assistance to any of the armed forces of the commonwealth in connection with the use of a motor vehicle under any provision of section eighty-nine by request or order of any responsible officer of said armed forces and who by reason of such voluntary action, employment or assistance and without fault or neglect on his part, receives any injury, is disabled, or contracts any sickness or disease, incapacitating him from pursuing his usual business or occupation, shall, during the period of such incapacity, receive compensation to be fixed by a board appointed under the provisions of section ninety to inquire into his claim, and actual necessary expenses for medical services and care, medicines and hospitalization. In case of death resulting from such injury, sickness or disease, except in the case of any such death for which compensation is payable under the provisions of the second paragraph of this section, compensation shall be paid to the decedent's dependents, as determined in accordance with clause (3) of section one and section thirty-two of chapter one hundred and fifty-two, in the amounts provided by and otherwise subject to section thirty-one of said chapter; provided, that dependents other than widows and children shall receive compensation to be fixed by said board, which shall exercise all the powers given by said provisions of chapter one hundred and fifty-two to the division of industrial accidents.

In case of death, resulting from injury, sickness or disease, of an officer or enlisted person of the armed forces of the commonwealth while performing any military duty for which he or his dependents are entitled to benefits or compensation from the United States, and notwithstanding any rights to or receipt of such benefits or compensation, or both, compensation in the amount of twenty-five dollars weekly for a period of two hundred weeks shall be paid to the decedent's dependents, as determined in accordance with clause (3) of section one and section thirty-two of chapter one hundred and fifty-two; provided, however, that no such compensation shall be so paid unless the board finds that the injury, sickness or disease resulting in such death was without fault or neglect on the part of the decedent.

For the purposes of this section a parent shall be conclusively presumed to be wholly dependent for support upon a child under twenty-one years of age.

SECTION 2. Section 90 of said chapter 33, as so appearing, is hereby amended by inserting after the word "shall", in line 6, the words: — except as otherwise provided in section eighty-eight.

Approved October 7, 1958.

CHAP. 630. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of New Bedford, hereinafter referred to as the city, a traffic commission to consist of the commissioner of public works or his representative, the chief of police

or his representative, one councillor-at-large and one ward councillor to be designated by the president of the city council, a member of the planning board to be designated by the mayor and two persons representing the public to be appointed by the mayor and confirmed by the city council.

The two members initially appointed by the mayor shall be appointed for terms of one year and two years, respectively, and upon the expiration of such term his successor shall be appointed to serve for a term of three years and, in each instance, until the qualification of his successor.

SECTION 2. The chief of police, or his representative, shall be chairman of said traffic commission, and shall also be known as the traffic commissioner. The members of the commission shall receive no compensation for their services as commissioners, but all expenses incurred for the purposes of this act shall be paid by the city. All statutes, ordinances and orders applicable generally to the departments of the city shall apply to the commission.

SECTION 3. The commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with the General Laws as modified by this act, relative to vehicular street traffic in the city and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties not exceeding fifty dollars for the violation of any rule or regulation adopted hereunder. No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by considerations of public safety, necessity or convenience or such as are of a temporary nature and are to be effective for a period of not more than two weeks, shall take effect until published for two successive weeks in one or more newspapers published in the city. Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the membership of the commission. The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five and sections eight and nine of chapter eighty-nine of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation excluding the vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the state department of public works or of the state department of public utilities, or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 4. All existing ordinances, orders and regulations relating to the control of vehicular traffic shall remain in full force and effect until superseded by rules and regulations adopted by the commission under this act and the adoption thereof by the commission shall not affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending, at the time of said adoption.

SECTION 5. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise; provided, however, that said city council shall hold a public hearing prior to voting on the question of acceptance.

Approved October 7, 1958.

CHAP. 631. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ASSIGN THE POLICING OF THE JOHN F. FITZGERALD EXPRESSWAY AND OF CERTAIN PORTIONS OF THE NORTHEAST AND SOUTHEAST EXPRESSWAYS TO THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary the state department of public works is hereby authorized to assign to the metropolitan district commission the policing of the John F. Fitzgerald Expressway and those portions of the Northeast and Southeast Expressways including the General Casimir Pulaski Skyway which lie within the county of Suffolk; provided, however, that the maintenance, repair, alteration and improvement of the said John F. Fitzgerald Expressway and said portions of the Northeast and Southeast Expressways shall continue to remain the duty of said department.

Approved October 7, 1958.

CHAP. 632. AN ACT REGULATING TRADING STAMP COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the General Laws is hereby amended by inserting after section 14K, under the caption TRADING STAMP COMPANIES the following seven sections: — *Section 14L.* The following words as used in this section and in sections fourteen M to fourteen R, inclusive, shall, unless the context otherwise requires, have the following meanings: —

“Trading stamp”, any stamp or similar device issued in connection with the retail sale of merchandise or service, as a cash discount or for any other marketing purpose, which entitles the rightful holder, on its due presentation for redemption, to receive merchandise, service or cash. This term, however, shall not mean any redeemable device used by the manufacturer or packer of an article in advertising or selling it, or any redeemable device issued and redeemed by a newspaper, magazine or other publication.

“Trading stamp company”, any person engaged in distributing trading stamps for retail issuance by others, or in redeeming trading stamps for retailers, in any way or under any guise.

Section 14M. No trading stamp company shall distribute trading stamps in the commonwealth or shall redeem trading stamps issued therein, unless each such stamp has legibly printed upon its face in cents or any fraction thereof a cash value as determined by said com-

pany. The said company shall, at the option of the rightful holder of such stamps, redeem the stamps in cash when duly presented for redemption in a number having an aggregate cash value of not less than twenty-five cents.

Section 14N. No trading stamp company shall distribute or redeem trading stamps in the commonwealth until it has filed with the state treasurer —

(a) A statement of registration accompanied by representative samples of its stamps, stamp collection books, stamp redemption catalogues, and stamp distribution and redemption agreement forms, currently used in the commonwealth. Each such statement shall provide the following information:— (1) the name and principal address of the company; (2) the state of its incorporation or origin; (3) the names and addresses of its principal officers, partners or proprietors; (4) the address of its principal office in the commonwealth; (5) the name and address of its principal officer, employee or agent therein; (6) the addresses of its places of business within the commonwealth where stamps are redeemable; (7) a short form of its balance sheet, as at the end of its last fiscal year prior to such filing, certified by an independent public accountant; and (8) unless the principal sum of the bond to be filed by the company is the maximum amount hereinafter required, a statement of its gross income from its business in the commonwealth during such last fiscal year, certified by an independent public accountant; and, simultaneously therewith —

(b) A bond payable to the state treasurer, duly executed by the company and a corporate surety qualified to do business in the commonwealth, conditioned upon the performance by the company of its obligation to redeem trading stamps issued by retailers in the commonwealth when duly presented by the rightful holders for redemption. Retailers in possession of trading stamps distributed by the company for issuance to their customers shall for this purpose be deemed rightful holders. The principal sum of the bond shall be as follows: If the company has not previously done business in the commonwealth, or if the company's gross income from its business in the commonwealth during such last fiscal year was not in excess of two hundred and fifty thousand dollars, twenty-five thousand dollars; if such gross income exceeded two hundred and fifty thousand dollars but was not in excess of five hundred thousand dollars, fifty thousand dollars; if such gross income exceeded five hundred thousand dollars but was not in excess of seven hundred and fifty thousand dollars, seventy-five thousand dollars; and if such gross income exceeded seven hundred and fifty thousand dollars, one hundred thousand dollars.

Each trading stamp company shall file annually on or before January first a new statement of registration and a new bond, said bond to be effective for the calendar year next following, unless the company gives notice of its intention to cease the distribution and redemption of trading stamps in the commonwealth, as provided in section fourteen P.

The fee for filing each statement of registration shall be one hundred dollars, which shall be paid to the state treasurer at the time of said filing.

Section 14O. On the effective date of each new bond filed with the statement of registration, all liability on bonds previously filed shall terminate, and in the event of default by the trading stamp company to redeem such stamps the rightful holders of trading stamps shall file

their proofs of claim with the state treasurer and shall have their claims satisfied, as provided in section fourteen Q, solely from the principal sum of the new bond.

Section 14P. No trading stamp company shall cease the distribution and redemption of trading stamps in the commonwealth unless it notifies the state treasurer in writing at least ninety days prior to such cessation, and gives such written notice at such time to each retailer within the commonwealth which has at any time theretofore within one year issued trading stamps which the company is obligated to redeem.

Section 14Q. In the event a trading stamp company defaults in the performance of its obligation to redeem trading stamps, any rightful holder shall be entitled to file within three months after such default a complaint with the state treasurer. Upon the filing of any such complaint the state treasurer shall forthwith make a determination whether there has been a default. If he shall determine that there has been such a default he shall give notice of such determination by publishing the same in three consecutive publications of one or more newspapers published in the city of Boston and having general circulation throughout the commonwealth and therein require that proof of all claims for breach of the obligation upon the performance of which the bond is conditioned shall be filed with him, together with the trading stamps upon which the claim is based, within three months after the date of the first such publication. The state treasurer promptly after the expiration of such period shall determine the validity of all claims so filed. Thereupon the state treasurer shall be paid by the surety such amount as shall be necessary to satisfy all valid claims so filed, not exceeding, however, the principal sum of the bond, and the state treasurer shall make an equitable distribution of the proceeds of the bond to such claimants and shall destroy the trading stamps so filed with him.

Section 14R. Any trading stamp company which violates any provision of sections fourteen M to fourteen P, inclusive, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both, and the superior court shall have jurisdiction in equity on the complaint of any interested person to restrain and enjoin the violation of any of said provisions.

SECTION 2. Notwithstanding the provisions of section fourteen M of chapter ninety-three of the General Laws, as appearing in section one of this act, a trading stamp company, as defined in section fourteen L of said chapter ninety-three, may redeem trading stamps, as defined in said section fourteen L, if issued within the commonwealth prior to the effective date of this act, notwithstanding the fact that any such trading stamp does not have legibly printed upon its face in cents or any fraction thereof a cash value as determined by said trading stamp company.

Approved October 9, 1958.

CHAP. 633. AN ACT RELATIVE TO THE COST OF DOING BUSINESS BY A RETAIL SELLER OF CIGARETTES, AND PROVIDING THAT CERTAIN PROVISIONS OF THE CIGARETTE EXCISE LAW SHALL NOT APPLY TO CERTAIN SALES OF CIGARETTES.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 64C of the General Laws, as appearing in section 1 of chapter 547 of the acts of 1945, is hereby

amended by striking out paragraph (b) and inserting in place thereof the following paragraph: —

(b) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the retailer shall be presumed to be twelve and four tenths per centum of the invoice cost of the cigarettes to the retailer, or of the replacement cost of the cigarettes to the retailer within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.

SECTION 2. Said section 13 of said chapter 64C is hereby further amended by striking out paragraph (d), as so appearing, and inserting in place thereof the following paragraph: —

(d) In the absence of proof of a lesser or higher cost of doing business, the cost of doing business to the retailer, who received in connection with the retailer's purchase not only the discounts ordinarily allowed upon purchases by a retailer but also in whole or in part the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be twelve and four tenths per centum of both the invoice cost of the cigarettes to such retailer or the replacement cost of the cigarettes to such retailer within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash and "wholesaler mark-up".

SECTION 3. Section 15 of said chapter 64C, as so appearing, is hereby amended by inserting after the word "court", in line 17, the following: — ; (f) where cigarettes are advertised or offered for sale or sold for charitable purposes or to relief agencies; (g) where cigarettes are sold on contract to any department, board or commission of the commonwealth or any political subdivision thereof, or to any institution maintained thereby.

SECTION 4. Chapter 93 of the General Laws is hereby amended by striking out section 14I, as appearing in section 1 of chapter 410 of the acts of 1938, and inserting in place thereof the following section: — *Section 14I.* Whenever the application of any provision of any other law of the commonwealth, except chapter sixty-four C, conflicts with the application of any provision of sections fourteen E to fourteen K, inclusive, said sections shall prevail. If any provision of said sections conflicts with the provisions of said chapter sixty-four C the provisions of said chapter shall prevail. *Approved October 9, 1958.*

CHAP. 634. AN ACT AUTHORIZING THE COMMISSIONER OF CORRECTION TO TRANSFER TO THE MASSACHUSETTS CORRECTIONAL INSTITUTION, BRIDGEWATER, CERTAIN PERSONS SENTENCED TO THE STATE PRISON.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by striking out section 97, as most recently amended by section 8 of chapter 731 of the acts of 1956, and inserting in place thereof the following section: — *Section 97.* The commissioner may transfer any prisoner from one correctional institution of the commonwealth to another and with the approval of the sheriff of the county, from any such institution to any jail or house of correction or from any jail or house of correction to any such institution, or from any jail or house of correction to any other jail

or house of correction; provided, that no person sentenced to the state prison other than prisoners transferred in accordance with sections eighty-three B, eighty-three E and one hundred and eleven A shall be so removed to any other institution except the Massachusetts Correctional Institution, Walpole, the Massachusetts Correctional Institution, Norfolk, the Massachusetts Correctional Institution, Concord, or the Massachusetts Correctional Institution, Bridgewater, except with the approval of the governor and council. Prisoners so removed shall be subject to the terms of their original sentences and to the provisions of law governing parole from the correctional institutions of the commonwealth.

Approved October 9, 1958.

CHAP. 635. AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO TRANSFER AND DISCHARGE CERTAIN INMATES OF THE BRIDGEWATER STATE HOSPITAL WHO ARE UNDER SENTENCE OF THE COURT.

Be it enacted, etc., as follows:

Chapter 123 of the General Laws is hereby amended by striking out section 22A, as amended by section 7 of chapter 194 of the acts of 1941, and inserting in place thereof the following section: — *Section 22A.* The department shall, subject to all provisions of law now or hereafter in effect, have the same supervision over the commitment of insane persons to the Bridgewater state hospital as it has over the commitment of insane persons to other state hospitals under the provisions of this chapter; it shall have the same authority to discharge or transfer inmates of said Bridgewater state hospital who are not under sentence, or whose sentences have expired, as it has to discharge or transfer inmates of other state hospitals. It shall have authority to discharge inmates who are under sentence of the court, except those sentenced to life, at the expiration of sentence, to discharge inmates under indeterminate sentence at the expiration of the maximum period fixed by law, and to transfer to other state hospitals at any time inmates under indeterminate sentence or who are sentenced to life or any term of years, and may at any time return such inmate to the Bridgewater state hospital. In construing this section a maximum and minimum sentence shall be held to have expired at the end of the minimum term, and an indeterminate sentence, at the end of the maximum period fixed by law. But the said Bridgewater state hospital shall remain under the jurisdiction of the department of correction and the control of the superintendent of the state farm. Nothing herein contained shall be construed as conferring on the department of mental health any authority to change or vary, except as herein provided, the decree or order of a court having competent jurisdiction.

Approved October 9, 1958.

CHAP. 636. AN ACT AUTHORIZING THE BOSTON SOCIETY OF NATURAL HISTORY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

The Boston Society of Natural History, incorporated by chapter fifty-six of the acts of eighteen hundred and thirty, is hereby authorized

to hold for the purposes for which it is incorporated or any amendment of said purposes authorized by law, real and personal estate to an amount not exceeding fifteen million dollars, without limitation as to the amount of income from such property.

Approved October 9, 1958.

CHAP. 637. AN ACT TO EXTEND THE AVAILABILITY OF AN EXISTING APPROPRIATION FOR THE COMPENSATION OF THE MEMBERS OF THE PUBLIC UTILITIES COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Item 2301-01 of section 2 of chapter 434 of the acts of 1958 is hereby amended by striking out, in line 1, the word "five" and inserting in place thereof the word: — seven.

SECTION 2. This act shall take effect upon its passage.

Approved October 14, 1958.

CHAP. 638. AN ACT PERMITTING THE STATE PURCHASING AGENT TO ALLOW PREFERENCE TO MASSACHUSETTS INDUSTRIES AND FIRMS LOCATED IN CITIES OR TOWNS IN WHICH THERE IS AN EXCESSIVE RATIO OF UNEMPLOYMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to alleviate immediately unemployment in labor surplus areas in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

Section 22 of chapter 7 of the General Laws is hereby amended by striking out clause (17), as amended by section 1 of chapter 353 of the acts of 1933, and inserting in place thereof the following clause: — (17) A preference in the purchase of supplies and materials, other considerations being equal, in favor, first, of supplies and materials manufactured and sold within the commonwealth, with a proviso that the state purchasing agent may, where practicable, allow a further preference in favor of such supplies and materials manufactured and sold in those cities and towns within the commonwealth in which the ratio of unemployment to the total labor force, as determined by the division of employment security, is in excess of five and nine tenths per cent, and second, of supplies and materials manufactured and sold elsewhere within the United States.

Approved October 14, 1958.

CHAP. 639. AN ACT PROVIDING FOR THE RECONSTRUCTION OF THE COVERED BRIDGE ON GROTON STREET IN THE TOWN OF PEPPERELL.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to reconstruct the covered bridge on Groton street in the town of Pepperell. For said purpose, said department may expend such sums as may be appropriated therefor.

SECTION 2. This act shall take effect upon its passage.

Approved October 14, 1958.

CHAP. 640. AN ACT AUTHORIZING THE TRANSFER OF THE FUNCTIONS AND DUTIES OF THE DIVISION OF PUBLIC BEACHES TO THE DIVISION OF WATERWAYS IN THE DEPARTMENT OF PUBLIC WORKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part immediately to transfer the functions and duties of the division of public beaches to the division of waterways in the department of public works, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of public beaches, established by section five B of chapter sixteen of the General Laws, is hereby abolished and the functions and duties of said division are hereby transferred to the division of waterways in the department of public works, established by section five A of said chapter sixteen.

SECTION 2. Upon the transfer of the functions and duties of the division of public beaches to the division of waterways, as provided for in section one, the director of the division of waterways shall, with the approval of the commissioner of public works, appoint a deputy director in charge of public beaches, and a general supervisor of public beaches, neither of whom shall be subject to the provisions of chapter thirty-one of the General Laws. In addition said director may appoint such employees as he may deem necessary for the efficient and economical operation of public beaches. Said deputy director and said general supervisor of public beaches shall receive such salaries as may be fixed under and in accordance with sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, and shall devote their entire time to the work of the division.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the position of conservation helper, bathhouse attendant and the life guard staff, filled on a seasonal basis in the division of waterways, within the department of public works shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 4. All employees subject to chapter thirty-one of the General Laws, employed by the division of public beaches upon the effective date of this act, are hereby transferred to the division of waterways without change in their civil service status.

SECTION 5. All monies appropriated for the division of public beaches shall be, upon the effective date of this act, available to the division of waterways.

SECTION 6. Section five B of chapter sixteen of the General Laws, inserted by section one of said chapter six hundred and sixty-six is hereby repealed.

SECTION 7. Section 60 of chapter 91 of the General Laws, inserted by section 2 of said chapter 666, is hereby amended by striking out, in line 3, the words "public beaches" and inserting in place thereof the word: — waterways.

SECTION 8. Section 61 of said chapter 91, is hereby amended by striking out, in line 6, as so appearing, the words "public beaches" and inserting in place thereof the word: — waterways.

SECTION 9. Section 62 of said chapter 91, inserted by said section 2 of said chapter 666, is hereby amended by striking out, in line 4, the

words "public beaches" and inserting in place thereof the word:— waterways.

SECTION 10. Section 4 of chapter 132A of the General Laws, as amended by section 4 of chapter 419 of the acts of 1954, is hereby further amended by striking out, in lines 8 and 9, the words "division of public beaches" and inserting in place thereof the words:— public beaches under the control of the division of waterways,— so as to read as follows:— *Section 4.* The proportion in which each city and town of the commonwealth, exclusive of those comprising the metropolitan parks district, but including Cohasset, shall annually pay money into the treasury of the commonwealth to meet the expenses incurred under this chapter, and the cost of maintaining the division, and any deficiency in the amounts previously paid in, and to meet the expenses, costs and deficiencies of the public beaches under the control of the division of waterways in the department of public works, shall annually be determined by the state treasurer according to the average percentage of valuation and population, determined as to any city or town by adding together the percentage which the valuation of the same bears to the total valuation of the cities and towns of the commonwealth, exclusive of those comprising said district, but including Cohasset, and the percentage which the population of such city or town bears to the total population of the cities and towns of the commonwealth, exclusive of those comprising said district, but including Cohasset, and dividing this sum by two.

Approved October 14, 1958.

CHAP. 641. AN ACT DESIGNATING A CERTAIN TRAFFIC ISLAND AT THE JUNCTION OF ACUSHNET AVENUE AND ROUTE 140 IN THE CITY OF NEW BEDFORD AS THE RAYMOND DEMERS TRAFFIC ISLAND.

Be it enacted, etc., as follows:

SECTION 1. The southerly traffic island at the intersection of Acushnet avenue and route 140 in the city of New Bedford shall be known and designated as the Raymond Demers Traffic Island, in memory and in honor of Raymond Demers, a warrant officer in the United States Navy who was killed while serving upon the aircraft carrier U. S. S. Bennington, and a suitable marker bearing said designation shall be erected and maintained at said island by the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved October 14, 1958.

CHAP. 642. AN ACT PROVIDING FOR THE INCINERATION OF CERTAIN REFUSE AND GARBAGE COLLECTED IN THE TOWNS OF COHASSET, HINGHAM, HULL AND WEYMOUTH AND CREATING THE SOUTH SHORE INCINERATOR AUTHORITY AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. In order to eliminate the nuisances attendant upon the dumping of refuse and garbage produced in the towns of Cohasset, Hingham, Hull and Weymouth there is hereby created a public body politic and corporate to be known as the South Shore Incinerator Au-

thority. Said authority is hereby authorized and directed to acquire such land, within said towns, as it may deem necessary and to construct, maintain and operate thereon a refuse disposal incinerator of sufficient size to provide adequate disposal facilities for all combustible refuse and garbage produced in said towns of Cohasset, Hingham, Hull and Weymouth. After the construction of such incinerator is completed, no refuse or garbage produced in said towns shall, unless it is incombustible refuse, be deposited at any dump within the commonwealth except in case of emergency.

Said authority is hereby constituted a public instrumentality; and the performance by it of the duties imposed and the exercise by it of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions. Said authority shall be deemed to be an instrumentality within the meaning of chapter one hundred and eighteen C of the General Laws; but chapter thirty-one of the General Laws, and rules made thereunder, shall not apply to any officer, agent or employee of said authority.

SECTION 2. The authority created by section one of this act shall consist of the selectmen of said towns each of whom shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of his duties. A majority of the total number of selectmen of the towns comprising said authority shall constitute a quorum and the affirmative vote of such majority shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

The authority shall from time to time elect a secretary-treasurer who shall execute a surety bond in such penal sum as the authority shall from time to time determine, such bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the commonwealth as surety, to be approved by the attorney general and filed in the office of the state secretary and the premium on such bond to be paid by the authority.

SECTION 3. The authority is hereby authorized and empowered —

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To sue and be sued, and to plead and be impleaded, in its own name;

(d) To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws, or any alternative method now or hereafter provided by general law, in so far as such provisions may be applicable, so much land as it may deem necessary for carrying out the provisions of this act;

(e) To construct, maintain and operate on the land so acquired a refuse disposal incinerator of sufficient size to provide adequate disposal facilities for all combustible refuse and garbage produced in the towns of Cohasset, Hingham, Hull and Weymouth;

(f) To dispose of the ash and residue from said incinerator in accordance with modern sanitary engineering practise and in such manner as it shall adjudge most advantageous;

(g) To establish rules and regulations, and fix policies, for the operation of said incinerator and the reception thereof of refuse and garbage;

(h) To receive at said incinerator and incinerate therein combustible refuse and garbage originating in said towns when brought to said incinerator by the Metropolitan District Commission or by said towns or their agents or contractors and to fix and revise from time to time and charge and collect fees for such reception and incineration.

(i) To receive at said incinerator and incinerate therein whenever the full capacity of said incinerator is not required for the incineration of combustible refuse and garbage originating in said towns combustible refuse and garbage originating in other towns or cities;

(j) To receive and accept from any federal agency grants for or in aid of the construction of said incinerator and to receive and accept contributions of money, property, labor or other things of value, from any source, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(k) To lease, sell or otherwise dispose of any real or personal property, or any interest therein, which it shall determine to be no longer needed for the purposes of this act and to invest from time to time in obligations of the government of the United States or of the commonwealth any portions of its working capital fund which it shall judge temporarily unnecessary for the purposes of said fund; and

(l) To make all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, to employ a plant superintendent and such other employees and agents, including engineering and financial experts, attorneys and accountants, as may be necessary in its judgment, to fix their compensation and to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 3A. The provisions of sections twenty-six to twenty-seven D, inclusive, and sections forty-four A to forty-four K, inclusive, of chapter one hundred and forty-nine of the General Laws, shall apply to all such construction by the authority.

SECTION 4. To provide for the expenses of constructing said incinerator and of making any major alteration thereto or any major repair thereof, and for the establishment of a working capital fund, the authority may from time to time borrow from the towns of Cohasset, Hingham, Hull and Weymouth and each of said towns may from time to time loan to the authority, such sums not exceeding, in the aggregate, five hundred thousand dollars as the authority shall demand that said town loan it; provided, that each town's share of each loan shall be in the same proportion as its population, as determined by the last preceding federal census, bears to the total population of the four towns. The authority shall repay every loan made to it under this section in the same instalments and with the same interest as shall be payable on debt incurred under section five to make such loan. No bond or note given by the authority to evidence a loan made to it under this section shall, without special authorization from the general court, be disposed of by the town to which it is given.

SECTION 5. For the purpose of providing funds to make loans demanded by the authority under section four, the town treasurers of said towns shall, without further authority than that contained in this section, in the name and behalf of their respective municipalities,

borrow from time to time such sums as may be necessary, not exceeding in the aggregate, five hundred thousand dollars, and may issue therefor bonds and notes which shall bear on their face, in the case of each town, the words "Town of (insert name of town) Incinerator Loan, Act of 1958". Each issue shall constitute a separate loan; and such loans shall be paid in not more than twenty years from their dates. Debt incurred from time to time under this section by said towns shall be included in determining their respective limits of indebtedness as established by law, and shall, except as herein provided, be subject to the provisions, respectively applicable to them, of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. Anything in section twenty of said chapter forty-four to the contrary notwithstanding, any premium received upon any bonds or notes issued under this section, shall be paid to the authority after deducting therefrom the cost of preparing, issuing and marketing such bonds or notes.

SECTION 6. The authority shall keep a daily record of the aggregate amount of refuse and garbage deposited in the incinerator by said towns and, beginning with the calendar month next after the calendar month in which construction of the incinerator is completed, shall, not later than the tenth day of each calendar month, compute the net cost of maintaining and operating said incinerator during the preceding calendar month and apportion such cost between said towns in proportion to the aggregate amount of refuse and garbage, respectively, deposited in said incinerator by said towns during such preceding month and notify said towns of such computation and apportionment; and the town treasurers of said towns shall thereupon forthwith, without further authorization than herein contained, pay to the authority out of any available funds in the treasury of said towns, as the case may be, the sum respectively apportioned to such town. There shall be included in computing the cost of maintaining and operating the incinerator during any calendar month the administrative expenses of the authority during such month and also all instalments of principal and interest on debt accruing during such month. Administrative expenses, interest and instalment payments on principal accruing prior to the completion of the construction of the incinerator shall be treated as expenses of construction. If at any time the authority shall have funds which in its judgment are not required for the purposes of this act, it shall forthwith distribute such funds to said towns in proportion to the amounts which have been respectively apportioned to them under this section, since the date of completion of construction of the incinerator, or since the date of the next previous distribution of funds, whichever is the later.

SECTION 7. The authority and all its real and personal property shall be exempt from taxation and from betterments and special assessments, and the authority shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions, nor shall the authority be required to pay any fee or charge for any permit or license issued to it by the commonwealth, by any department, board or officer thereof, or by any political subdivision of the commonwealth or by any department, board or officer of such political subdivision, nor shall the authority be liable for any injury, loss or damage suffered by any person or property by reason of any ordinary

or gross negligence of the authority or any of its officers, employees or agents; provided, however, that it shall be liable as an employer under chapter one hundred and fifty-two of the General Laws, and shall insure against such liability.

SECTION 8. On or before the last day of January in each year, the authority shall make an annual report of its activities for the preceding calendar year to the governor and to the general court. Each such report shall set forth a complete operating and financial statement covering its operations during such year. The authority shall cause an audit of its books to be made at least once in each year by the director of accounts in the state department of corporations and taxation; and the cost thereof shall be treated as part of the cost of operating said incinerator. Such audits shall be deemed to be public records within the meaning of chapter sixty-six of the General Laws.

SECTION 9. If at any time the authority shall be dissolved, its corporate existence shall continue as provided in section fifty-one of chapter one hundred and fifty-five of the General Laws, and its assets shall be liquidated and the proceeds distributed between said towns in proportion to the amounts which have been respectively apportioned to them under section six of this act.

SECTION 10. This act shall take full effect only upon its acceptance by the town of Cohasset, Hingham, Hull and Weymouth by the vote of a majority of the town meeting members or voters, as the case may be, present and voting thereon at an annual or special town meeting called for the purpose in each of said towns and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur before June first, nineteen hundred and sixty-three.

Approved October 14, 1958.

CHAP. 643. AN ACT MAKING CERTAIN CHANGES IN THE EMPLOYMENT SECURITY LAW RELATIVE TO THE TRANSFER OF THE BUSINESS OF AN EMPLOYER.

Be it enacted, etc., as follows:

SECTION 1. Subsection (n) of section 14 of chapter 151A of the General Laws, as appearing in chapter 397 of the acts of 1953, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph: — (1) If the business of an employer is transferred in whole or in part to another employer or employing unit the transferee shall give notice of such transfer to the director in the manner prescribed by the director within one hundred and twenty days of such transfer. The transferee shall be deemed a successor for the purpose of this section; provided, that the portion of the business so transferred was operated by the transferring employer as a separate business enterprise the pay roll records of which were not commingled with those of other employing enterprises of such transferring employer at any time during the three calendar years immediately preceding the date of transfer of such business. Under such conditions the transfer of any of the assets of an employer's business by any means whatever otherwise than in the ordinary course of trade shall be deemed a transfer of business and shall constitute the transferee a successor hereunder, provided the transferee has continued or resumed the business of the

transferor either in the same establishment or elsewhere and has employed substantially the same employees as those the transferor had employed in connection with the assets transferred.

SECTION 2. Said subsection (n) of said section 14 of said chapter 151A is hereby further amended by striking out paragraph (5).

SECTION 3. This act shall take effect as of July first, nineteen hundred and fifty-eight and it shall apply to all appeals pending on this issue on that date.

Approved October 14, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 28, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 643 of the acts of 1958, entitled, "An Act Making Certain Changes in the Employment Security Law Relative to the Transfer of the Business of an Employer" and the enactment of which received my approval on October 14, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will delay the consideration of all appeals pending on July 1, 1958, as provided in section 3 of this act.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 28, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and forty-three of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 644. AN ACT AUTHORIZING THE CITY OF MALDEN TO USE THE BALANCE OF A CERTAIN LOAN FOR SCHOOL EQUIPMENT PURPOSES AND FOR THE CONSTRUCTION OF A SIDEWALK IN THE FOREST DALE SCHOOL AREA IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, the city of Malden is hereby authorized to expend the sum of sixty-three thousand dollars for the

purchase and installation of equipment in the schools and for the construction of a sidewalk in the area of the Forest Dale school in said city, the sum to be spent for the construction of said sidewalk not to exceed fifteen thousand dollars. The said sum of sixty-three thousand dollars may be appropriated from the balance remaining from the proceeds of a loan made by said city under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved October 14, 1958.

CHAP. 645. AN ACT AUTHORIZING THE TOWN OF FRAMINGHAM TO SELL CERTAIN LAND OWNED BY IT AND HELD FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham is hereby authorized to sell at private sale or public auction, subject to such conditions, restrictions and reservations as may be imposed and determined by the selectmen and subject also to a sixty foot permanent right of way or easement to be used for all purposes of a public way connecting Mount Wayte avenue, as laid out in nineteen hundred and forty-seven, with lands abutting the southerly bound of Mount Wayte avenue, as laid out in nineteen hundred and twenty-eight, all, or any portion or portions of certain parcels of land in said town acquired for park purposes and situated on the southeasterly side of Mount Wayte avenue, as laid out in nineteen hundred and forty-seven, and described as parcels A and B on a plan of land entitled "Plan of Land, Mount Wayte Ave., Framingham, Scale: 1" = 40' — May 9, 1958, Richard T. Mackey, Chief Engineer", and recorded in the Middlesex registry of deeds.

SECTION 2. Any action taken by the town of Framingham at a special town meeting held on June twenty-third in the current year pursuant to the authority contained in section one shall be valid and effective for all purposes as though this act were in effect at the time of the posting of the warrant for said town meeting.

SECTION 3. This act shall take effect upon its passage.

Approved October 15, 1958.

CHAP. 646. AN ACT FURTHER PROVIDING FOR THE EXAMINATION, COMMITMENT, CARE, TREATMENT AND REHABILITATION OF CERTAIN SEXUALLY DANGEROUS PERSONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the examination, commitment, care, treatment and rehabilitation of certain sexually dangerous persons and the establishment of facilities therefor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 123A and inserting in place thereof the following chapter: —

CHAPTER 123A.

CARE, TREATMENT AND REHABILITATION OF SEXUALLY DANGEROUS PERSONS.

Section 1. The words “sexually dangerous person” as used in this chapter shall have the following meaning: — Any person whose misconduct in sexual matters indicates a general lack of power to control his sexual impulses, as evidenced by repetitive or compulsive behavior and either violence, or aggression by an adult against a victim under the age of sixteen years, and who as a result is likely to attach or otherwise inflict injury on the objects of his uncontrolled or uncontrollable desires.

Section 2. The commissioner of mental health shall establish and maintain, subject to the jurisdiction of the department of mental health, a treatment center, hereinafter in this chapter called the center, at a correctional institution approved by the commissioner of correction, for the care, custody, treatment and rehabilitation of persons described in section one. The commissioner of mental health shall properly staff and keep properly staffed said center, and with the consent of the commissioner of correction, may establish branches of said center at suitable correctional institutions in the commonwealth. The commissioner of mental health may also establish branches of said center at any suitable facility of the department of mental health. Any branch shall be deemed to be a part of said center for the purposes of this chapter, or for such limited purposes as the commissioner of mental health shall designate.

Section 3. Notwithstanding any other provision of law when a person is brought before a district court charged with the crime of indecent assault or indecent assault and battery, indecent assault and battery on a child under the age of fourteen, open and gross lewdness and lascivious behavior, unnatural and lascivious acts with another person or with a child under the age of sixteen, lewd, wanton and lascivious behavior or indecent exposure, or an attempt to commit any such crime, the court shall, if it appears that said person is guilty of the crime and appears to be a sexually dangerous person, commit or bind over said person for trial in the superior court. In such cases the clerk of the district court shall forthwith transmit to the clerk of the superior court a copy of the complaint and of the record, the original recognizances, a list of the witnesses, a statement of the expenses and the appearance of the attorney for the defendant, if any is entered, and the report of the department of mental health as to the mental condition of the defendant if such report has been filed under the provisions of section one hundred A of chapter one hundred and twenty-three, and no other papers need be transmitted.

Section 4. Upon the determination of guilt of a person in the superior court of the crime of indecent assault or indecent assault and battery, indecent assault and battery on a child under the age of fourteen, rape, rape of a female child under sixteen, carnal knowledge and abuse of a female child under sixteen, assault with intent to commit rape, open and gross lewdness and lascivious behavior, incest, sodomy, buggery, unnatural and lascivious acts with another person or with a child under the age of sixteen, lewd, wanton and lascivious behavior or indecent exposure, or an attempt to commit any such crime, the court, may,

upon its own motion or upon motion of the district attorney, prior to imposing sentence, commit him to the center or to a suitable branch thereof for a period not exceeding sixty days for the purpose of examination and diagnosis under the supervision of not less than two psychiatrists who shall, within said period, file with said court a written report of such examination and diagnosis, and their recommendations for the disposition of such person. The court shall supply to the examining psychiatrists copies of the court record, and the probation officer shall supply them with the probation record of the person committed for examination. The probation record shall contain a history as such person's previous offences and previous psychiatric examinations and such other information as may be helpful to assist such psychiatrists in making their diagnosis.

Section 5. If the report filed with the court under section four clearly indicates that such person is a sexually dangerous person, the court shall give notice to such person that a hearing will be held to determine whether or not he is a sexually dangerous person.

Upon the motion of such person or upon its own motion the court shall, if necessary to protect the rights of such person, appoint counsel for him. Such person shall be entitled to have process issued out of the court to compel the attendance of witnesses in his behalf. Upon such hearing it shall be competent to introduce evidence of the person's past criminal and psychiatric record and any other evidence that tends to indicate that he is a sexually dangerous person. Any psychiatric report filed under this chapter shall be admissible in evidence in such proceeding. The court may, in its discretion, exclude the general public from attendance at such hearing, and the proceeding shall be summarized in writing.

If the court finds upon such hearing that the person is not a sexually dangerous person, it shall proceed as provided by law upon a determination of guilt of the original offence. If the court finds that the person is a sexually dangerous person, it may, in lieu of the sentence required by law for the original offence, commit such person to the center, or a branch thereof, for an indeterminate period of a minimum of one day and a maximum of such person's natural life. The court may grant probation or suspend the commitment upon the condition that such person receive out-patient treatment and upon any other condition it might deem suitable, if the department of mental health recommends such person as a suitable subject for such out-patient treatment. The court shall forward its order to the commissioner of correction who shall thereupon transfer the person to the center, or a branch thereof, for the purpose of treatment and rehabilitation, where he shall be held until released under the provisions of section nine. Persons committed shall be subject to all laws, rules and regulations which govern inmates of the institution to which they have been committed, in so far as may be compatible with the treatment provided for by this chapter, and they shall be entitled to such rights and privileges of such inmates, in so far as may be compatible with such treatment.

Section 6. If a prisoner under sentence in any jail, house of correction or prison, or in the custody of the youth service board, appears to the sheriff, keeper, master, superintendent or director of the youth service board who has him in custody or to the district attorney for the district in which such prisoner was sentenced to be a sexually dangerous person

and in need of the care and treatment provided at the center, such officer may notify the commissioner of mental health, who shall thereupon cause such prisoner to be examined by a psychiatrist at the institution wherein he is confined. Such psychiatrist shall report the results of his examination in writing to the sheriff, keeper, master or superintendent, director of the youth service board, or district attorney, and if such report indicates that such person may be a sexually dangerous person, the sheriff, keeper, master or superintendent, director of the youth service board or district attorney shall thereupon transmit the report to the clerk of the courts for the county wherein such prisoner was sentenced, and if such prisoner was sentenced in Suffolk county, to the clerk of the superior court for the transaction of criminal business, together with a motion to commit such person to the center or a suitable branch thereof for examination and diagnosis for a period not exceeding sixty days. The court shall act upon such motion speedily, and if it grants the motion, shall commit such person under the provisions of section four in so far as may be applicable.

If there be no sitting of the superior court in the appropriate county at the time the motion and report is transmitted to the clerk, the clerk shall then transmit a copy of the motion and report to the chief justice of the superior court, who may act upon the motion.

If the report of the psychiatrists to the court as required under section four, indicates that such prisoner is not a sexually dangerous person, the court shall order such prisoner to be reconveyed to the institution wherein he was serving his sentence, there to be held until the termination of his sentence or until otherwise discharged.

If such report clearly indicates that such prisoner is a sexually dangerous person, the clerk shall thereupon notify the court and the district attorney, and the district attorney shall file a petition for commitment of the prisoner to the center, or a branch thereof, for treatment and rehabilitation, and he shall give notice to the prisoner or to his parents, spouse, issue, next of kin, guardian, or next friend, if it appears to the district attorney that such prisoner is incapable of conducting his contest to the report. The court may require such further notice as it deems necessary to protect the interest of the prisoner, may continue the hearing pending such notice and may appoint a guardian ad litem, if necessary. The hearing shall be conducted in the manner described in section five.

Pending the completion of such hearing, the court may order that the prisoner be retained in the custody of the superintendent of the institution in which the center, or branch thereof, is located or may commit him to the custody of a sheriff or keeper of a jail or place of detention, until such time as the matter is heard on the merits.

If the court finds that the prisoner is not a sexually dangerous person, it shall order him to be reconveyed to the institution wherein he was serving his sentence, there to be held until the termination of his sentence or until otherwise discharged. If the court finds that such prisoner is a sexually dangerous person, it shall commit him to the center, or a branch thereof, for an indeterminate period of a minimum of one day and a maximum of such person's natural life, for the purpose of treatment and rehabilitation, or it may commit such person to a mental institution or place him upon out-patient treatment, or make such other disposition upon the recommendation of the department of mental

health consistent with the purpose of treatment and rehabilitation. Such prisoner shall be held in custody under sufficient security to protect society, and he shall be subject to all laws, rules and regulations which govern inmates of the institution to which he has been committed, in so far as may be compatible with the treatment provided for by this chapter, and he shall be entitled to such rights and privileges of such inmates, in so far as may be compatible with such treatment.

Section 7. Any attorney retained by or on behalf of any person committed to the center shall be admitted to visit such person at reasonable times if in the opinion of the commissioner of mental health such visit would not be injurious to such person, or if a justice of the superior court orders in writing that such visit shall be allowed. Such attorney upon request shall be entitled to receive from the clerk of the court a copy of the report of the examining psychiatrists filed under section four.

Section 8. Any person believing himself to be suffering from a physical or mental condition which may result in sexual trends dangerous to the welfare of the public may make application to the department of mental health upon forms prescribed by said department for admission to the treatment center, or a suitable branch thereof. All information pertaining to this application shall be confidential, and may not be used in any criminal proceeding or proceeding under this chapter against such person. Subject to such rules and regulations and conditions relative to payment therefor, as the commissioner shall prescribe, persons may be admitted to the center or a suitable branch thereof, for examination, diagnosis and treatment.

Section 9. Any person committed to the center for treatment and rehabilitation under section five or section six shall be eligible for parole. Such person shall be presented to the parole board for consideration for parole by the superintendent of the institution in which the center, or a branch thereof, is located, with the recommendations of the department of mental health, at least once during the first twelve months following commitment and at least once in every three-year period thereafter, and at any time upon the recommendation of two psychiatrists appointed by the commissioner of mental health that he is a fit person for parole. The parole board shall carefully and thoroughly consider the reports of the department of mental health concerning the progress of such person, as well as any other information it deems relevant, and may grant such person a parole permit to be at liberty upon such terms and conditions as it shall prescribe, including the condition he receive out-patient treatment, and any other condition that the commissioner of mental health may recommend. Such terms and conditions may be revised, altered, amended or revoked by the parole board at any time. The violation by the holder of a parole permit to be at liberty of any of the terms or conditions of such permit, or of any law of the commonwealth, shall render such permit void. The parole board may revoke such permit at any time. If such permit has become void or has been revoked the parole board may order the arrest of the holder of such permit by any officer qualified to serve civil or criminal process in any county, and the return of such holder to the center for further treatment under confinement. A person who has been so returned to the center shall be detained therein according to the terms of his original commitment.

Notwithstanding any provisions of this section, any person committed to the center, or a branch thereof, shall be entitled to have a hearing for

examination and discharge once in every twelve months, upon the filing of a written petition by the committed person, his parents, spouse, issue, next of kin or any friend. A copy of said petition shall be sent to the district attorney for the district where the original proceedings were commenced and to the parole board within fourteen days after the filing thereof. Said petition shall be filed in a superior court for the district in which said person was committed, and the court shall set a date for a speedy hearing. The hearing shall be conducted in the same manner as is provided for in sections five and six. The court shall issue whatever process is necessary to assure the presence in court of the committed person and shall hear the recommendations of the department of mental health and the parole board regarding the disposition of the petition. Upon a finding by the court that such person is no longer a sexually dangerous person, the court shall order such person to be discharged from the center and he shall be released subject to such conditions, if any, as the court may impose, including the condition that such person receive out-patient treatment. If the court finds that such person still requires treatment within the center, or a branch thereof, it shall order that he continue to be held and further treated under the previous commitment. The department of mental health shall make periodic examinations every year of any person committed to the center in order to determine the progress of cure, and shall give an annual report of its findings to the district attorney for the district from which the person was committed, the court from which the person was committed, and the parole board. The psychiatrists appointed to make examinations under this section shall have access to all records of the department of correction pertaining to the person being examined. All records concerning the progress, diagnosis and examinations made by examining psychiatrists shall be available to the parole board to assist them in their determinations of parole.

Section 10. The commissioner of mental health may make available on a voluntary and confidential basis the facilities of the department of mental health to persons who are victims of sexual attack.

Section 11. If any of the provisions of this chapter shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this chapter are declared to be severable.

SECTION 2. Notwithstanding any provision of chapter one hundred and twenty-three A of the General Laws, as appearing in section one of this act, any person who was committed to the treatment center for sexual offenders or who is awaiting a hearing on a petition for commitment thereto, under the provisions of chapter one hundred and twenty-three A of the General Laws as in effect immediately prior to the effective date of this act, shall, within sixty days after said effective date, be given a psychiatric examination by the department of mental health, and the names and addresses of all such persons awaiting a trial or hearing who are subject to the provisions of said chapter one hundred and twenty-three A, as in effect immediately prior to the effective date of this act, shall be forwarded forthwith by the clerk of the court having jurisdiction to the commissioner of mental health. If such examination shows that such person is not a sexually dangerous person, as defined in section one of chapter one hundred and twenty-three A of the Gen-

eral Laws, as appearing in section one of this act, but had been committed under the provisions of chapter one hundred and twenty-three A of the General Laws, as in effect immediately prior to the effective date of this act, he shall be released from said commitment center and returned to the jurisdiction of the department of correction to serve the remainder of his original sentence, if any. If such examination shows that such person is a sexually dangerous person, as defined in section one of chapter one hundred and twenty-three A of the General Laws, as appearing in section one of this act, he shall have the privilege of subjecting himself to the provisions of section nine of said chapter one hundred and twenty-three A, as so appearing.

Approved October 15, 1958.

CHAP. 647. AN ACT PROVIDING FOR THE ACQUISITION BY THE COMMONWEALTH OF SOUTH CAPE BEACH IN THE TOWN OF MASHPEE, AND THE MAINTENANCE THEREOF AS A STATE RESERVATION.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of public works, on behalf of the commonwealth, may acquire by purchase or gift, or may take by eminent domain under chapter seventy-nine of the General Laws, and thereafter improve and maintain as a state reservation the whole or any portion of the properties comprising South Cape beach, also known as Popponesset beach, in the town of Mashpee, together with marshes or uplands adjacent to said beach.

SECTION 2. For such purpose said department may expend such sums as may be appropriated therefor. *Approved October 15, 1958.*

CHAP. 648. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, THEIR DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTIES.

Whereas, The deferred operation of this act would result in unnecessarily extending the period during which county expenditures would be made in anticipation of appropriation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of certain counties, their departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums for the several purposes and subject to the condition specified in section two are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof for the year nineteen hundred and fifty-eight:

BARNSTABLE COUNTY.

Item	
1. For interest on county debt	\$18,035 00
2. For reduction of county debt	61,975 00
3. For county commissioners, salaries and expenses	17,305 50
4. For transportation and expenses of county and acting commissioners	800 00
5. For clerks of courts, salaries and expenses	19,402 07
6. For county treasurer, salaries and expenses	22,087 60
7. For sheriff, salary and expenses	10,961 50
8. For registry of deeds, salaries and expenses	117,306 25
8a. For registry of probate, salaries and expenses	8,027 50
9. For law libraries, salaries and expenses	4,012 50
10. For highways, including state highways, bridges and land damages	198,728 66
12. For criminal costs in superior court	23,737 37
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	22,491 00
14. For district courts, salaries and expenses	91,236 70
15. For medical examiners and commitments of insane	3,052 50
16. For jail and house of correction, maintenance and operation	190,766 33
17. For training school	500 00
18. For court houses and registry buildings, maintenance and operation	59,969 70
20. For agricultural school or county aid to agriculture, maintenance and operation	47,290 72
22. For hospital or sanatorium	564,000 00
23. For preventorium, health service	61,377 50
24. For non-contributory pensions	2,897 33
25. For contributory retirement systems and supervisory expenses	16,156 26
26. For miscellaneous and contingent expenses	13,637 19
27. For unpaid bills of previous years	1,849 42
28. For reserve fund	10,000 00
29. For advertising recreational advantages of the county	50,000 00
30. For state fire patrol	6,250 00
31. For maintenance, forest fire apparatus	700 00
32. For police training school and bureau of criminal identification	24,632 08
33. For police radio system	32,886 13
36. For beach commission	875 00
38. For airplane	8,030 00
39. For group life and hospital insurance	13,100 00
40. For advertising and promoting county fairs	500 00
43. For forest fire fighting training school	40,000 00

And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$1,114,233 75

BERKSHIRE COUNTY.

Item	
1. For interest on county debt	\$3,000 00
2. For reduction of county debt	2,695 00
3. For county commissioners, salaries and expenses	17,895 50
4. For transportation and expenses of county and acting commissioners	1,500 00

BERKSHIRE COUNTY — *Continued.*

Item		
5.	For clerk of courts, salaries and expenses	\$25,648 00
6.	For county treasurer, salaries and expenses	12,686 75
7.	For sheriff, salary and expenses	7,700 00
8.	For registries of deeds, salaries and expenses	88,703 61
8a.	For registry of probate, salaries and expenses	7,875 00
9.	For law libraries, salaries and expenses	8,924 00
10.	For highways, including state highways, bridges and land dam- ages	220,137 86
11.	For examination of dams	470 00
12.	For criminal costs in superior court	24,904 51
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	41,752 00
14.	For district courts, salaries and expenses	162,331 10
15.	For medical examiners and commitments of insane	8,000 00
16.	For jails and houses of correction, maintenance and operation	132,037 34
17.	For training school	1,000 00
18.	For court houses and registry buildings, maintenance and operation	34,898 77
20.	For agricultural school or county aid to agriculture, main- tenance and operation	43,018 54
21.	For state reservation, maintenance and operation, Mount Grey- lock	42,071 00
21a.	For state reservation, maintenance and operation, Mount Everett	4,844 00
22.	For hospital or sanatorium	113,431 12
24.	For non-contributory pensions	793 32
25.	For contributory retirement systems and supervisory expenses	23,222 40
26.	For miscellaneous and contingent expenses	3,381 28
27.	For unpaid bills of previous years	2,000 00
28.	For reserve fund	6,000 00
29.	For advertising recreational advantages of the county	30,000 00
30.	For forest development in co-operation with the state	1,664 00
31.	Radio system for fire protection	7,871 50
32.	For Dutch elm disease	5,000 00
33.	For forest fire patrol	4,825 24
35.	For Berkshire county industrial development commission	64,867 50
39.	For group insurance	8,000 00

And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes \$1,002,182 06

BRISTOL COUNTY.

Item		
1.	For interest on county debt	\$13,002 50
2.	For reduction of county debt	40,000 00
3.	For county commissioners, salaries and expenses	14,702 00
4.	For transportation and expenses of county and acting commis- sioners	1,200 00
5.	For clerk of courts, salaries and expenses	76,908 25
6.	For county treasurer, salaries and expenses	37,965 75
7.	For sheriff, salary and expenses	9,909 50
8.	For registries of deeds, salaries and expenses	217,770 86

BRISTOL COUNTY — *Continued.*

Item	
8a. For registry of probate, salaries and expenses	\$16,650 00
9. For law libraries, salaries and expenses	26,902 40
10. For highways, including state highways, bridges and land dam- ages	248,600 00
11. For examination of dams	2,000 00
12. For criminal costs in superior court	94,804 31
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	137,810 76
14. For district courts, salaries and expenses	326,441 56
15. For medical examiners and commitments of insane	26,260 00
16. For jails and houses of correction, maintenance and operation	235,945 91
17. For training school	10,000 00
18. For court houses and registry buildings, maintenance and opera- tion	266,449 99
19. For purchase or taking of land for agricultural school	500 00
20. For agricultural school, maintenance and operation	385,220 67
24. For non-contributory pensions	24,350 41
25. For contributory retirement systems and supervisory expenses	53,288 58
26. For miscellaneous and contingent expenses	21,827 36
27. For unpaid bills of previous years	3,000 00
28. For reserve fund	10,000 00
29. For county forest fire patrol	4,000 00
32. For police training school	500 00
39. For group insurance	20,000 00

And the county commissioners of Bristol county are hereby au-
thorized to levy as the county tax of said county for the cur-
rent year, in the manner provided by law, the following sum
to be expended, together with the cash balance on hand and
the receipts from other sources, for the above purposes . . . \$1,913,034 60

DUKES COUNTY.

Item	
1. For interest on county debt	\$7,395 00
2. For reduction of county debt	15,000 00
3. For county commissioners, salaries and expenses	5,340 00
4. For transportation and expenses of county and acting commis- sioners	505 00
5. For clerk of courts, salaries and expenses	7,199 00
6. For county treasurer, salaries and expenses	4,045 50
7. For sheriff, salary and expenses	3,535 00
8. For registry of deeds, salaries and expenses	15,189 50
8a. For registry of probate, salaries and expenses	2,705 00
9. For law libraries, salaries and expenses	750 00
10. For highways, including state highways, bridges and land dam- ages	35,198 90
12. For criminal costs in superior court	5,000 00
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	500 00
14. For district courts, salaries and expenses	14,704 50
15. For medical examiners and commitments of insane	700 00
16. For jails and houses of correction, maintenance and operation	10,155 00
18. For court houses and registry buildings, maintenance and opera- tion	7,836 00
20. For county aid to agriculture, maintenance and operation	13,675 29

DUKES COUNTY — *Continued.*

Item		
21.	For state reservation, maintenance and operation, Gay Head .	\$1,000 00
21a.	For state reservation, maintenance and operation, Indian Burial Ground .	400 00
25.	For contributory retirement systems and supervisory expenses .	2,353 24
26.	For miscellaneous and contingent expenses	9,500 67
27.	For unpaid bills of previous years	2,500 00
28.	For reserve fund	3,000 00
29.	For advertising recreational advantages of the county	20,000 00
30.	For county rodent control	5,500 00
31.	For county airport, maintenance and operation	44,682 00
32.	For woodtick control	1,250 00
34.	For Dukes County soil conservation district	250 00
39.	For group insurance	3,500 00

And the county commissioners of Dukes county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$196,161 25

ESSEX COUNTY.

Item		
1.	For interest on county debt	\$20,215 50
2.	For reduction of county debt	170,500 00
3.	For county commissioners, salaries and expenses	36,245 50
4.	For transportation and expenses of county and acting commissioners	2,600 00
5.	For clerk of courts, salaries and expenses	119,066 82
6.	For county treasurer, salaries and expenses	39,777 00
7.	For sheriff, salary and expenses	9,990 00
8.	For registries of deeds, salaries and expenses	348,960 88
8a.	For registry of probate, salaries and expenses	17,797 00
9.	For law libraries, salaries and expenses	23,517 95
10.	For highways, including state highways, bridges and land damages	421,103 00
12.	For criminal costs in superior court	82,490 00
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	204,096 00
14.	For district courts, salaries and expenses	506,063 41
15.	For medical examiners and commitments of insane	31,185 00
16.	For jails and houses of correction, maintenance and operation	297,114 01
16a.	For industrial farm, maintenance and operation	169,252 20
17.	For training school	232,908 38
18.	For court houses and registry buildings, maintenance and operation	208,190 39
20.	For agricultural school or county aid to agriculture, maintenance and operation	645,326 56
24.	For non-contributory pensions	50,837 69
25.	For contributory retirement systems and supervisory expenses	123,672 90
26.	For miscellaneous and contingent expenses	33,881 28
27.	For unpaid bills of previous years	30,000 00
28.	For reserve fund	20,000 00
29.	For forest development	1,650 00
30.	For fire patrol	6,250 00

ESSEX COUNTY — *Continued.*

Item	
31. For advertising recreational and industrial advantages	\$5,000 00
39. For group insurance	33,500 00

And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . \$3,040,406 37

FRANKLIN COUNTY.

Item	
1. For interest on county debt	\$1,200 00
3. For county commissioners, salaries and expenses	10,852 00
4. For transportation and expenses of county and acting commissioners	600 00
5. For clerk of courts, salaries and expenses	21,992 83
6. For county treasurer, salaries and expenses	12,010 42
7. For sheriff, salary and expenses	5,912 50
8. For registry of deeds, salaries and expenses	35,398 00
8a. For registry of probate, salaries and expenses	7,800 00
9. For law libraries, salaries and expenses	7,526 00
10. For highways, including state highways, bridges and land damages	138,250 00
11. For examination of dams	400 00
12. For criminal costs in superior court	16,498 70
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	19,209 00
14. For district courts, salaries and expenses	51,722 60
15. For medical examiners and commitments of insane	3,195 00
16. For jails and houses of correction, maintenance and operation	75,469 20
17. For training school	200 00
18. For court houses and registry buildings, maintenance and operation	30,651 00
20. For agricultural school or county aid to agriculture, maintenance and operation	38,659 16
21. For state reservation, maintenance and operation, Mount Sugarloaf	3,747 50
22. For hospital or sanatorium	25,549 88
23. For Greenfield Health Camp	2,200 00
24. For non-contributory pensions	1,700 00
25. For contributory retirement systems and supervisory expenses	10,543 69
26. For miscellaneous and contingent expenses	4,463 23
27. For unpaid bills of previous years	700 00
28. For reserve fund	5,000 00
29. For advertising recreational, industrial and agricultural advantages of the county	7,650 00
31. For radio system for fire protection	1,000 00
39. For group insurance	3,000 00
40. For advertising and promoting county fairs	150 00

And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . \$468,840 11

HAMPDEN COUNTY.

Item	
1. For interest on county debt	\$9,000 00
2. For reduction of county debt	46,000 00
3. For county commissioners, salaries and expenses	24,117 50
4. For transportation and expenses of county and acting commissioners	650 00
5. For clerks of courts, salaries and expenses	72,168 01
6. For county treasurer, salaries and expenses	24,180 00
7. For sheriff, salary and expenses	10,000 00
8. For registry of deeds, salaries and expenses	167,270 25
8a. For registry of probate, salaries and expenses	31,246 00
9. For law libraries, salaries and expenses	22,909 00
10. For highways, including state highways, bridges and land damages	251,375 00
11. For examination of dams	4,200 00
12. For criminal costs in superior court	65,250 26
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	228,835 50
14. For district courts, salaries and expenses	428,036 84
15. For medical examiners and commitments of insane	22,000 00
16. For jails and houses of correction, maintenance and operation	248,008 75
17. For training school	104,531 14
18. For court houses and registry buildings, maintenance and operation	128,197 40
20. For county aid to agriculture, maintenance and operation	107,508 11
21. For state reservation, maintenance and operation	31,642 01
23. For preventorium, health service	3,000 00
24. For non-contributory pensions	23,036 00
25. For contributory retirement systems and supervisory expenses	62,053 39
26. For miscellaneous and contingent expenses	13,136 03
27. For unpaid bills of previous years	700 00
28. For reserve fund	15,000 00
29. For advertising recreational, industrial, and agricultural advantages of the county	4,600 00
39. For group insurance	18,000 00

And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$1,787,151 44

HAMPSHIRE COUNTY.

Item	
1. For interest on county debt	\$3,500 00
2. For reduction of county debt	1,500 00
3. For county commissioners, salaries and expenses	16,817 00
4. For transportation and expenses of county and acting commissioners	700 00
5. For clerk of courts, salaries and expenses	21,551 03
6. For county treasurer, salaries and expenses	17,323 50
7. For sheriff, salary and expenses	6,157 50
8. For registry of deeds, salaries and expenses	43,715 00
8a. For registry of probate, salaries and expenses	2,500 00
9. For law libraries, salaries and expenses	6,580 00

HAMPSHIRE COUNTY — *Continued.*

Item		
10.	For highways, including state highways bridges and land damages	\$147,850 00
11.	For examination of dams	2,000 00
12.	For criminal costs in superior court	27,844 50
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	30,020 00
14.	For district courts, salaries and expenses	83,086 22
15.	For medical examiners and commitments of insane	8,545 00
16.	For jails and houses of correction, maintenance and operation.	108,158 03
17.	For training school	100 00
18.	For court houses and registry buildings, maintenance and operation	34,883 08
19.	For construction of county buildings	1,000 00
20.	For agricultural school or county aid to agriculture, maintenance and operation	49,706 08
21.	For state reservation, maintenance and operation, Mt. Tom	5,156 33
21a.	For state reservation, maintenance and operation, Deer Hill	350 00
22.	For hospital or sanatorium	150,535 51
23.	For preventorium, health service	400 00
24.	For non-contributory pensions	1,407 85
25.	For contributory retirement systems and supervisory expenses	12,764 09
26.	For miscellaneous and contingent expenses	2,411 45
27.	For unpaid bills of previous years	100 00
28.	For reserve fund	6,500 00
29.	For advertising recreational, industrial and agricultural advantages of the county	6,600 00
34.	For soil conservation — Hampshire County District	100 00
39.	For group insurance	10,000 00

And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes

\$715,777 79

MIDDLESEX COUNTY.

Item		
1.	For interest on county debt	\$22,500 00
3.	For county commissioners, salaries and expenses	50,713 52
4.	For transportation and expenses of county and acting commissioners	2,000 00
5.	For clerk of courts, salaries and expenses	217,143 90
6.	For county treasurer, salaries and expenses	55,985 47
7.	For sheriff, salary and expenses	10,100 00
8.	For registries of deeds, salaries and expenses	716,732 80
8a.	For registry of probate, salaries and expenses	29,625 00
9.	For law libraries, salaries and expenses	43,351 00
10.	For highways, including state highways, bridges and land damages	826,015 58
11.	For examination of dams	2,000 00
12.	For criminal costs in superior court	339,773 78
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	475,171 25

MIDDLESEX COUNTY — *Continued.*

Item		
14.	For district courts, salaries and expenses	\$1,211,471 29
15.	For medical examiners and commitments of insane	72,000 00
16.	For jails and houses of correction, maintenance and operation	1,214,878 48
17.	For training school	262,476 22
18.	For court houses and registry buildings, maintenance and operation	399,617 38
19a.	For fire damage	35,000 00
20.	For agricultural school or county aid to agriculture, maintenance and operation	110,750 71
21.	For state reservation, maintenance and operation	130,157 91
24.	For non-contributory pensions	100,000 00
25.	For contributory retirement systems and supervisory expenses	125,342 86
26.	For miscellaneous and contingent expenses	21,752 00
27.	For unpaid bills of previous years	14,663 00
28.	For reserve fund	40,000 00
30.	For forest fire patrol	2,500 00
39.	For group insurance	54,000 00

And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$5,310,990 79

NORFOLK COUNTY.

Item		
1.	For interest on county debt	\$12,587 50
2.	For reduction of county debt	54,000 00
3.	For county commissioners, salaries and expenses	22,923 00
4.	For transportation and expenses of county and acting commissioners	645 00
5.	For clerk of courts, salaries and expenses	58,202 50
6.	For county treasurer, salaries and expenses	32,853 50
7.	For sheriff, salary and expenses	9,125 00
8.	For registry of deeds, salaries and expenses	317,857 71
8a.	For registry of probate, salaries and expenses	24,980 00
9.	For law libraries, salaries and expenses	6,139 50
10.	For highways, including state highways, bridges and land damages	548,530 00
12.	For criminal costs in superior court	120,086 12
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	149,366 00
14.	For district courts, salaries and expenses	482,886 64
15.	For medical examiners and commitments of insane	31,500 00
16.	For jails and houses of correction, maintenance and operation	238,964 29
17.	For training school	55,000 00
18.	For court houses and registry buildings, maintenance and operation	204,727 59
19.	For construction of county buildings and/or purchase of land	35,000 00
20.	For agricultural school or county aid to agriculture, maintenance and operation	386,666 72
24.	For non-contributory pensions	20,000 00
25.	For contributory retirement systems and supervisory expenses	41,880 76
26.	For miscellaneous and contingent expenses	10,384 11

NORFOLK COUNTY — *Continued.*

Item	
27. For unpaid bills of previous years	\$7,242 00
28. For reserve fund	20,000 00
30. For forest fire patrol	2,500 00
39. For group insurance	22,500 00

And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$2,224,770 08

PLYMOUTH COUNTY.

Item	
1. For interest on county debt	\$8,847 82
2. For reduction of county debt	63,837 50
3. For county commissioners, salaries and expenses	26,382 83
4. For transportation and expenses of county and acting commissioners	1,349 00
5. For clerk of courts, salaries and expenses	52,957 50
6. For county treasurer, salaries and expenses	21,522 17
7. For sheriff, salary and expenses	9,255 00
8. For registry of deeds, salaries and expenses	179,321 13
8a. For registry of probate, salaries and expenses	22,226 90
9. For law libraries, salaries and expenses	9,267 00
10. For highways, including state highways, bridges and land damages	256,125 00
11. For examination of dams	1,000 00
12. For criminal costs in superior court	89,221 50
13. For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees	105,512 00
14. For district courts, salaries and expenses	231,852 88
15. For medical examiners and commitments of insane	13,475 00
16. For jails and houses of correction, maintenance and operation	289,248 55
17. For training school	12,000 00
18. For court houses and registry buildings, maintenance and operation	89,470 27
20. For county aid to agriculture, maintenance and operation	71,122 92
24. For non-contributory pensions	8,062 48
25. For contributory retirement systems and supervisory expenses	36,800 78
26. For miscellaneous and contingent expenses	3,271 37
27. For unpaid bills of previous years	5,000 00
28. For reserve fund	15,000 00
29. For bureau of criminal investigation and police training school	22,124 00
31. For forest fire control	31,830 00
39. For group insurance	13,012 00

And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$1,348,256 93

WORCESTER COUNTY.

Item	
1.	For interest on county debt \$54,000 00
2.	For reduction of county debt 135,000 00
3.	For county commissioners, salaries and expenses 33,097 50
4.	For transportation and expenses of county and acting commissioners 2,531 00
5.	For clerk of courts, salaries and expenses 149,327 27
6.	For county treasurer, salaries and expenses 42,248 00
7.	For sheriff, salary and expenses 10,803 90
8.	For registries of deeds, salaries and expenses 299,545 62
8a.	For registry of probate, salaries and expenses 23,880 00
9.	For law libraries, salaries and expenses 32,179 29
10.	For highways, including state highways, bridges and land damages 668,130 92
11.	For examination of dams 4,450 00
12.	For criminal costs in superior court 133,460 50
13.	For civil expenses in supreme judicial, superior, probate and land courts, including auditors, masters and referees 299,584 00
14.	For district courts, salaries and expenses 510,954 72
15.	For medical examiners and commitments of insane 79,735 00
16.	For jails and houses of correction, maintenance and operation 339,324 30
18.	For court houses and registry buildings, maintenance and operation 275,751 75
20.	For county aid to agriculture, maintenance and operation 128,571 17
21.	For state reservation, maintenance and operation, Mt. Wachusett 32,979 95
21a.	For state reservation, maintenance and operation, Purgatory Chasm 15,916 50
24.	For non-contributory pensions 43,870 00
25.	For contributory retirement systems and supervisory expenses 73,596 00
26.	For miscellaneous and contingent expenses 25,660 28
27.	For unpaid bills of previous years 8,000 00
28.	For reserve fund 25,000 00
29.	For bindery department 11,700 00
30.	For forest fire patrol 7,500 00
32.	For Dutch elm disease 20,000 00
39.	For group insurance 27,000 00

And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$2,970,305 21

SECTION 2. Sums appropriated in section one are based upon detailed schedules approved by the joint committee on counties, copies of which are deposited with the director of accounts.

Said director shall file with the county commissioners and the county treasurer of each county a certification of the amounts above appropriated as set forth in the approved schedules for such county. Except as provided by this act or except as otherwise provided by law, no liability may be incurred and no expenditure shall be made in excess of the amount available in an existing appropriation for a function, a main group, a class or a sub-class.

Transfers within an appropriation from a main group to another main group may be made upon written request of the authorized official of the organization unit with the written approval of said county commis-

sioners, and copies of said request and approval shall be filed with the county treasurer; provided, however, that no transfer shall be made from the main group "personal services" to another main group nor shall any transfer be made from any other main group into the main group "personal services".

Transfers within an appropriation between classes and between subclasses within a main group may be made by the authorized official of the organization unit whenever in his opinion public necessity and convenience so requires; provided, however, that no transfer shall be made within the classes of the main group "personal services".

Amounts included for permanent positions in sums appropriated in section one for personal services are based upon schedules of permanent positions and salary rates as approved by the joint committee on counties, and, except as otherwise shown by the files of said committee, a copy of which shall be deposited with the county personnel board, no part of sums so appropriated in section one shall be available for payment of salaries of any additional permanent positions, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent positions, notwithstanding any special or general act to the contrary.

Notwithstanding anything in this section to the contrary, transfers between main groups in the appropriations for the Bristol County Agricultural School, the Essex County Agricultural School, and the Norfolk County Agricultural School may be made solely upon the written approval of the commissioner of education for the commonwealth; transfers within the main groups may be made by the authorized official of the schools; provided, however, no transfers shall be made from amounts appropriated for personal services to other items, nor from other items to amounts appropriated for personal services.

No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of the county commissioners with the approval of the director of accounts.

SECTION 3. No expense incurred for mid-day meals by county officers and employees, other than those who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing, and those county officers and employees who are stationed beyond commuting distance from their homes for a period of more than twenty-four hours, shall be allowed by any county; provided, that officers or employees who have charge of juries or who have the care and custody of prisoners, insane persons or other persons placed in their charge by a court or under legal proceedings for transfer to or from court to an institution or from institution to institution and persons certified by a district attorney as engaged in investigation shall be reimbursed for the expense of mid-day meals when necessarily engaged on such duty; and provided, further, that county officers and employees in attendance at meetings and conferences called by or for any group or class on a statewide basis shall be so reimbursed.

SECTION 4. The allowance to county officers and employees for expenses incurred by them in the operation of motor vehicles owned by them or by any member of their immediate families and used in the performance of their official duties shall not exceed eight cents a mile, except in cases where a higher allowance is specifically provided by

statute; provided, that in the case of commitments of the insane the justice of the court ordering the commitment may order a higher rate. No expenditures shall be made for travel outside the commonwealth for attendance at conferences or conventions.

SECTION 5. Any provision of general or special law to the contrary notwithstanding, the county personnel board is hereby authorized to make rules and regulations to adjust the salary of any employee who, as a result of an approval of an appeal under section seven of chapter six hundred and twenty-one of the acts of nineteen hundred and fifty-seven, would receive a rate in the salary schedule which is less than a rate established prior to the decision on such appeal; provided, however, that such adjusted rate may not be greater than the maximum for such salary group. The provisions of this section shall be effective as of July first, nineteen hundred and fifty-seven.

SECTION 6. Any provision of general or special law to the contrary notwithstanding, any county officer or employee whose salary rate on July first, nineteen hundred and fifty-seven, was limited to an increase in rate of one thousand dollars shall receive an increase in salary rate of not more than one step in his salary grade, effective on his anniversary date or on July first, nineteen hundred and fifty-eight, in accordance with approved list filed with the county personnel board by the joint committee on Counties.

Approved October 16, 1958.

CHAP. 649. AN ACT FURTHER EXTENDING THE TIME WITHIN WHICH CERTAIN SEWERAGE PROJECTS AND WORKS IN THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS MAY BE UNDERTAKEN AND COMPLETED.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 645 of the acts of 1951 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Subject to the conditions hereinafter provided, the commission is hereby authorized and directed, on behalf of the commonwealth, to carry out, in addition to the projects referred to in chapter seven hundred and five of the acts of nineteen hundred and forty-five, in chapter five hundred and eighty-three of the acts of nineteen hundred and forty-seven, and in chapter six hundred and six of the acts of nineteen hundred and forty-nine, and acts in addition thereto and in amendment thereof, prior to July first, nineteen hundred and sixty-five, the following projects: — Project A. The construction of a tunnel between Columbia circle and Deer Island with necessary shafts and appurtenant works. Project B. The construction of a tunnel between Ward street pumping station and Columbia circle with necessary shafts and appurtenant works. Project C. The enlargement of the previously authorized Deer Island sewage treatment plant to care for the flow from Project A. Project D. The construction of a relief sewer between Boston University bridge and Ward street. Project E. The construction of a relief sewer for the west side and Stony Brook interceptors of the Boston main drainage district. Project F. The construction of a Marginal Conduit pumping station and appurtenant works. Project G. The rehabilitation of tide gates and pumping stations. In constructing

said projects A, B, C, D, E and F the commission shall provide for the receipt by the south metropolitan sewerage system of the sewage of the main drainage system of the city of Boston at such place or places as the commission, after consultation with the commissioner of public works of said city, shall determine to be most practicable. The commission shall also make all connections, and construct intercepting sewers necessary to enable the city of Quincy to drain the territory in the Squantum section of said city now connected to the Boston main drainage system into the metropolitan sewerage system.

SECTION 2. Notwithstanding the provisions of section fourteen of chapter twenty-nine of the General Laws and section two of chapter six hundred and forty-five of the acts of nineteen hundred and fifty-one, and notwithstanding that the authority to expend balances of bonds authorized by chapter seven hundred and five of the acts of nineteen hundred and forty-five, chapter six hundred and six of the acts of nineteen hundred and forty-nine and chapter six hundred and forty-five of the acts of nineteen hundred and fifty-one expired on June thirtieth, nineteen hundred and fifty-eight, the authority to expend the balances of said bond funds and to issue bonds therefor is hereby re-authorized as of July first, nineteen hundred and fifty-eight, and said authorization shall expire on June thirtieth, nineteen hundred and sixty-five.

SECTION 3. Chapter five hundred and forty-three of the acts of the current year is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved October 16, 1958.

CHAP. 650. AN ACT TO PROVIDE FOR A SPECIAL CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for a special capital outlay program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a special program of construction, reconstruction, alteration and improvement of various state institutions and properties, and for the purchase of certain property, the sums set forth in section two of this act, for the several purposes and subject to the conditions specified in said section two, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Service of the Armory Commission.

Item

8259-01	For the construction of armories, including furnishings and equipment, to be expended in connection with federal funds available for this purpose, to be in addition to the amount appropriated in item 8258-12 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven: provided, that the provisions of section thirty A of chapter seven of the General Laws shall not apply to expenditures made from this item	\$343,000 00
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Item		
8259-02	For fire protection improvements in certain buildings under the supervision of the armory commission in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws, and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, to be in addition to the amount appropriated in item 8258-13 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$200,000 00
8259-03	For certain repairs to the Fall River national guard armory, to be in addition to the amount made available in item 0423-24 of schedule B of section three of chapter three hundred and forty-two of the acts of the current year	18,100 00

Service of the State Superintendent of Buildings.

8259-04	For certain repairs to the exterior wall of the Ford building	\$13,000 00
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Service of the Soldiers' Home in Massachusetts.

8259-05	For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8356-19 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five	\$20,000 00
8259-06	For the construction of a laboratory, including the cost of furnishings and equipment	411,000 00

Service of the Massachusetts Aeronautics Commission.

8259-07	For the reimbursement to cities and towns for the state's share of airport construction as provided in sections thirty-nine F and fifty-one K of chapter ninety of the General Laws, to be available for matching federal funds for the fiscal year nineteen hundred and fifty-nine and succeeding years, to be in addition to the amount appropriated in item 8258-18 of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven; provided, that this item shall not be subject to section thirty A of chapter seven of the General Laws	\$400,000 00
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Service of the Department of Natural Resources.

8258-20	Item 8258-20 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven is hereby amended in line twenty-one by striking out the word "twenty-eight" and inserting in place thereof the word: — ten.	
8258-86	Item 8258-86 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven is hereby amended in line one by inserting after the word "acquisition" the following: — for park purposes.	
8259-08	For the acquisition of land for recreational facilities as authorized by section three of chapter one hundred and thirty-two A of the General Laws, and for the development and improvement of new and existing areas; provided, that the comptroller shall include in the assessment made under section five of said chapter one hundred and thirty-two A the sum of fifty thousand dollars yearly for the years nineteen hundred and fifty-nine to nineteen hundred and seventy-eight, inclusive, and shall credit said amount to the General Fund	\$1,000,000 00

Service of the Department of Education.

Massachusetts Maritime Academy.

Item		
8259-09	For certain improvements to the athletic and drill field, to be in addition to the amount appropriated in item 8258-23 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$50,000 00
8259-10	For the acquisition of certain land with buildings thereon by purchase or eminent domain under chapter seventy-nine of the General Laws, including land authorized to be acquired by chapter four hundred and sixty-three of the acts of the current year; provided, that no payment shall be made for the purchase of said land until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser.	57,000 00
8259-11	For the preparation of plans for an engineering classroom building.	30,000 00
8259-12	For the construction of a naval science building	75,000 00
8259-13	For the construction of a central heating plant	95,000 00
8259-14	For the construction of an addition to provide administrative offices and for the renovation of present buildings, including the cost of furnishings and equipment	75,000 00

State Teachers College at Bridgewater.

8259-15	For certain improvements to the plumbing, heating and ventilating systems and related improvements, to be in addition to the amount appropriated in item 8157-13 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six	\$150,000 00
8259-16	For certain improvements to the boiler plant and utility distribution systems	75,000 00

State Teachers College at Fitchburg.

8259-17	For the renovation of the old gymnasium and shower rooms, including the cost of furnishings and equipment	\$66,000 00
8259-18	For the acquisition of certain land with buildings thereon by purchase or by eminent domain under chapter seventy-nine of the General Laws and for the preparation of plans for a library, auditorium, administration and classroom building; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser	122,000 00
8259-19	For the renovation of the heating systems and other related improvements in Miller and Palmer halls and the junior high building.	65,000 00
8259-20	For certain plumbing renovations and other related improvements in the administration building	60,000 00
8259-21	For the preparation of plans for certain improvements to the boiler plant and utility distribution systems.	30,000 00

State Teachers College at Framingham.

8259-22	For the preparation of plans for a home economics and science building.	\$80,000 00
8259-23	For the preparation of plans for certain improvements to the boiler plant and utility distribution systems.	30,000 00
8259-24	For the acquisition of certain land with buildings thereon by purchase or eminent domain under chapter seventy-nine of the General Laws; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser	40,000 00
8259-25	For the construction of a dormitory and student-union building and the renovation of certain existing kitchen and dining facilities, including the cost of furnishings and equipment, and for the cost of removal of a certain building, to be in addition to the amount appropriated in item 8258-26 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	276,000 00

State Teachers College at Lowell.

Item		
8259-26	For the preparation of plans for an addition for science class rooms	\$25,000 00
8259-27	For the preparation of plans for an administration, library and classroom building	57,000 00
8259-28	For the renovation of the heating system	55,000 00
8259-29	For certain improvements to athletic and parking facilities	35,000 00

State Teachers College at North Adams.

- 8258-87 Item 8258-87 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven is hereby amended by striking out the wording and inserting in place thereof the following: —
For the construction of a science, gymnasium and auditorium building and for the renovation of existing buildings, including furnishings and equipment and the installation of an elevator, to be in addition to the amount appropriated in item 8157-21 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six.

State Teachers College at Salem.

- 8259-30 For the acquisition of certain land with buildings thereon by transfer, purchase or by eminent domain under chapter seventy-nine of the General Laws and including certain renovations to the buildings; provided, that no payment shall be made from this item for the purchase of said land until an independent appraisal of the value of said land and buildings has been made by a qualified, disinterested appraiser, to be in addition to the amount appropriated in item 8157-23 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six. \$25,000 00
- 8259-31 For the preparation of plans for a business education, arts and science building, including certain improvements to the heating system 60,000 00
- 8259-32 For the installation of a cafeteria in the Horace Mann training school, including the cost of furnishings and equipment. 25,000 00

State Teachers College at Westfield.

- 8259-33 For the preparation of plans for a classroom building, including kitchen and cafeteria facilities \$45,000 00
- 8259-34 For certain additions and improvements to the boiler plant 50,000 00

State Teachers College at Worcester.

- 8259-35 For the preparation of plans for a classroom, laboratory building and auditorium \$55,000 00

State Teachers College of Boston.

- 8259-36 For certain building renovations and improvements, including the cost of furnishings and equipment, to be in addition to the amounts appropriated in item 8256-19 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five and item 8157-25 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six \$272,000 00

Massachusetts School of Art.

- 8259-37 For a study of the long-range building needs of the Massachusetts school of art, including the cost of preparation of plans \$25,000 00

Lowell Technological Institute of Massachusetts.

- 8259-38 For the acquisition of certain land with buildings thereon for a nuclear engineering center by purchase or by eminent domain under chapter seventy-nine of the General Laws; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser \$50,000 00

Item		
8259-39	For the preparation of plans for a nuclear engineering center	\$100,000 00
8259-40	For the acquisition of certain land with buildings thereon for garage and maintenance purposes by purchase or by eminent domain under chapter seventy-nine of the General Laws, and for the preparation of plans for a garage and maintenance building; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser	30,000 00
8259-41	For the purchase and installation of certain machinery and equipment	75,000 00
8259-42	For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8258-33 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	30,000 00
8259-43	For the construction of additional parking areas	9,000 00

University of Massachusetts.

8259-44	For the construction of a school of education and laboratory practice school, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-38 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$2,200,000 00
8259-45	For the construction of the third section of the science center, including the cost of furnishings and equipment, to be expended in connection with any federal funds available for this purpose, to be in addition to the amount appropriated in item 8258-36 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	1,666,000 00
8259-46	For the construction of an infirmary, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-39 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	1,000,000 00
8259-47	For certain improvements and additions to the power plant and the utility systems, to be in addition to the amount appropriated in item 8258-35 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	2,339,000 00
8259-48	For the construction of engineering and physics shops, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-40 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	860,000 00
8259-49	For the preparation of plans for an addition to the dining commons	20,000 00
8259-50	For the construction of a general maintenance building, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-41 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	688,000 00
8259-51	For the construction of a cold storage laboratory, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-42 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	510,000 00
8259-52	For the purchase and installation of certain equipment	100,000 00
8259-53	For the preparation of plans for a natural resources classroom and laboratory	55,000 00
8259-54	For the preparation of plans for an addition to the food technology building.	50,000 00
8259-55	For the preparation of plans for an addition to the physics building.	100,000 00
8259-56	For the preparation of plans for classrooms and offices for the school of business administration	73,000 00

Item		
8259-57	For the preparation of plans for an engineering building and service building for the experiment station	\$75,000 00
8259-58	For the acquisition of certain land and buildings thereon by purchase or by eminent domain under chapter seventy-nine of the General Laws; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser	14,000 00

Regional Community Colleges.

8259-59	For the establishment of a system of regional community colleges throughout the commonwealth, as authorized by chapter six hundred and five of the acts of the current year, including the preparation of educational plans therefor, the selection of locations, the initial cost of agreements, if any, with local communities and including necessary supplies, furnishings and equipment to begin operation in September, 1959; to be expended in connection with any federal or other funds available for the purpose	\$1,000,000 00
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Division of Youth Service.

8259-60	For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8258-43 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$50,000 00
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Industrial School for Boys.

8259-61	For the preparation of plans for certain improvements to the power plant and utility distribution systems, to be in addition to the amount appropriated in item 8157-37 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six	\$20,000 00
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Lyman School for Boys.

8259-62	For certain improvements to the power plant and utility distribution systems	\$185,000 00
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Youth Forest Camp.

8259-63	For certain improvements to the youth forest camp, including the cost of furnishings and equipment	\$60,000 00
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Service of the Department of Mental Health.

8259-64	For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8258-47 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$763,000 00
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Boston State Hospital.

8259-65	For certain improvements to the plumbing and heating systems, to be in addition to the amount appropriated in item 8255-25 of section two of chapter four hundred and seventy-one of the acts of nineteen hundred and fifty-four	\$170,000 00
8259-66	For certain improvements to the power plant and utility distribution systems, to be in addition to the amount appropriated in item 8256-44 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five	165,000 00

Grafton State Hospital.

Item		
8259-67	For the renovation of certain heating units and to replace certain steam lines, to be in addition to the amount appropriated in item 8256-57 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five	\$75,000 00
8259-68	For the renovation of certain storage areas, including the cost of furnishings and equipment	75,000 00

Metropolitan State Hospital.

8259-69	For certain power plant improvements, to be in addition to the amount appropriated in item 8157-46 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six	\$265,000 00
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Northampton State Hospital.

8259-70	For certain improvements to the power plant and electrical distribution and fire alarm systems, to be in addition to the amount appropriated in item 8256-69 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five	\$350,000 00
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Taunton State Hospital.

8259-71	For the preparation of plans for certain buildings to replace the so-called main group	\$100,000 00
8259-72	For certain improvements to the sewage disposal system, Borden colony, to be expended in connection with any federal funds available for the purpose, to be in addition to the amount appropriated in item 8157-48 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six	\$50,000 00

Monson State Hospital.

8259-73	For certain improvements to the sewage disposal system	\$110,000 00
8259-74	For certain improvements to the heating and ventilating systems	150,000 00

Belchertown State School.

8259-75	For the preparation of plans for certain improvements to the power plant and utility distribution systems	\$25,000 00
8259-76	For certain improvements to utility distribution systems	200,000 00
8259-77	For certain improvements to the refrigeration system, including the cost of equipment	61,000 00
8259-78	For the construction of a nursery building, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-60 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	61,000 00

Walter E. Fernald State School.

8259-79	For an addition to the laundry building, including the cost of equipment	\$300,000 00
8259-80	For the construction of a boys' home and dormitory, including the cost of furnishings and equipment	805,000 00
8259-81	For certain improvements to the electrical distribution systems	135,000 00

Wrentham State School.

8259-82	For certain improvements to the water supply system, to be in addition to the amount appropriated in item 8157-56 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six	\$126,000 00
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Cushing State Hospital.

Item

- 8259-83 For the renovation and repair of certain buildings, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8258-69 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven **\$1,812,000 00**

Service of the Department of Correction.

- 8259-84 For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, to be in addition to the amount appropriated in item 8256-97 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five **\$250,000 00**

Correctional Institution at Walpole.

- 8258-09 Item 8258-09 of section two of chapter four hundred and eighty-five of the acts of nineteen hundred and fifty-seven is hereby amended by striking out the wording and inserting in place thereof the following: —
For the construction of a sixty-cell segregation building on a site to be selected by the commissioner of correction with the approval of the governor and council, including the cost of furnishings and equipment, and for certain roof repairs on existing buildings and the construction of a high-pressure steam line to the laundry, to be in addition to the amount appropriated in item 8356-38 of section two of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five.

Correctional Institution at Framingham.

- 8259-85 For the purchase and installation of certain machinery and equipment and to improve lighting for prison industries **\$70,000 00**

Service of the Department of Public Welfare.

Tewksbury State Hospital and Infirmary.

- 8259-86 For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8157-59 of section two of chapter seven hundred and eleven of the acts of nineteen hundred and fifty-six **\$200,000 00**
8259-87 For certain repairs to the front entrance portico of the Nichols Building. **19,000 00**

Service of the Department of Public Health.

- 8259-88 For fire protection improvements in accordance with recommendations of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws and for certain other improvements to eliminate fire hazards, to be designated by the director of building construction, and to be in addition to the amount appropriated in item 8258-72 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven **\$87,000 00**

Lakeville State Sanatorium.

- 8259-89 For certain improvements to the water supply system **\$72,000 00**

Westfield State Sanatorium.

- 8259-90 For certain improvements to the boiler plant **\$75,000 00**

Massachusetts Hospital School.

Item		
8259-91	For the preparation of plans for a nurses' home . . .	\$30,000 00

Pondville Hospital.

8259-92	For certain improvements to the water supply system . . .	\$30,000 00
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Service of the Department of Public Works.*Division of Waterways.*

8259-93	For the improvement, development, maintenance and protection of rivers, harbors, tidewaters, shores and great ponds; construction, reconstruction or removal of dams; construction, reconstruction or repair of town or city piers and wharves; construction, reconstruction or repair of drains; within the commonwealth, as authorized by section eleven of chapter ninety-one of the General Laws, to be used in conjunction with any federal funds made available for the purpose, to be expended with contributions from municipalities or other organizations and individuals; provided, that this item shall not be subject to section thirty A of chapter seven of the General Laws, to be in addition to the amount appropriated in item 8258-79 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$4,000,000 00
8259-94	For the commonwealth's share of the additional cost of dredging Hyannis harbor, Barnstable, as authorized by chapter twenty-nine of the resolves of nineteen hundred and forty-six, to be in addition to the amount appropriated in item 8258-78 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven; provided, that the town of Barnstable shall deposit with the state treasurer, as its share, twenty-five per cent of the amount appropriated in this item	167,000 00
8259-95	For the commonwealth's share of the cost of dredging Duxbury harbor, Duxbury, as authorized by chapter twenty-nine of the resolves of nineteen hundred and forty-six; provided, that the town of Duxbury shall deposit with the state treasurer, as its share, twenty-five per cent of the amount appropriated in this item	35,000 00
8259-96	For the commonwealth's share of the cost of dredging Scituate harbor, Scituate, as authorized by chapter seventy-two of the resolves of nineteen hundred and fifty-two; provided, that the town of Scituate shall deposit with the state treasurer, as its share, twenty-five per cent of the amount appropriated in this item	116,000 00
8259-97	For the replacement of the refrigeration equipment on the state fish pier in Gloucester; provided, that the Gloucester Community Pier Association, Inc., shall first execute a further extension of the agreement with the department, required by the provisions of chapter six hundred and sixty-three of the acts of nineteen hundred and forty-seven, to extend its lease or leases for a five-year period from its present termination on September thirtieth, nineteen hundred and sixty-nine . . .	200,000 00
8259-98	For the commonwealth's share of the further extensions of the beach erosion study authorized by chapter seven hundred and twenty-one of the acts of nineteen hundred and forty-nine, including the preparation of plans . . .	67,500 00
8259-99	For the further development and improvement of the Salisbury beach reservation, including the cost of equipment; provided, that to cover the cost of this item and the three succeeding items, the comptroller shall include in the assessment made under the provisions of section five of chapter one hundred and thirty-two A of the General Laws the sum of fifteen thousand two hundred dollars yearly for the years nineteen hundred and fifty-nine to nineteen hundred and seventy-eight, inclusive, and shall credit said amount to the General Fund, to be in addition to the amount made available by chapter six hundred and seventy-three of the acts of nineteen hundred and fifty-three	65,000 00
8359-01	For the further development and improvement of the province lands, including the bathhouse and the cost of equipment . . .	9,500 00

Item		
8359-02	For the acquisition by purchase or by eminent domain under chapter seventy-nine of the General Laws of certain additional land at Horse-neck beach and for the development and improvement of said beach, including the cost of equipment; provided, that no payment shall be made from this item for said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser, to be in addition to the amount appropriated in item 8258-81 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$140,000 00
8359-03	For the further development and improvement of Scusset beach, including the cost of equipment	19,500 00

Service of the Division of Building Construction.

8359-04	For the preparation of preliminary plans and descriptive specifications, as authorized by section thirty H of chapter seven of the General Laws, to be in addition to the amount appropriated in item 8258-83 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven	\$100,000 00
8359-05	To cover unexpected contingencies in the cost of projects authorized by this act and by chapters six hundred and four of the acts of nineteen hundred and fifty-two, six hundred and sixty of the acts of nineteen hundred and fifty-three, four hundred and seventy-one of the acts of nineteen hundred and fifty-four, seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, seven hundred and eleven of the acts of nineteen hundred and fifty-six, four hundred and eighty-five and seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven, to be allocated by the commission on administration and finance with the approval of the governor and council, to be in addition to the amount appropriated in item 8258-84 of section two of chapter seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven; provided, that when a project authorized by chapters six hundred and four of the acts of nineteen hundred and fifty-two, six hundred and sixty of the acts of nineteen hundred and fifty-three, four hundred and seventy-one of the acts of nineteen hundred and fifty-four, seven hundred and thirty-eight of the acts of nineteen hundred and fifty-five, seven hundred and eleven of the acts of nineteen hundred and fifty-six, four hundred and eighty-five and seven hundred and sixty-three of the acts of nineteen hundred and fifty-seven or by this act, has been substantially completed, and the commission on administration and finance has determined that there may be a portion of the amount appropriated for said project that is no longer needed to complete said project, the comptroller, with the approval of said commission, may transfer the amount so determined to this item; and, provided further, that any item from which transfers to this item have been made shall not be eligible to receive future transfer from this item	\$580,400 00

SECTION 3. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by section two of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and sixty-four. Notwithstanding any provisions of this act, such notes shall be general obligations of the commonwealth.

SECTION 4. To meet the expenditure necessary in carrying out the provisions of section two of this act or to refinance notes issued as provided in section three of this act, the state treasurer shall, upon request of the governor and council, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor and council from time to time, but not exceeding in the aggregate, the sum of twenty-eight million dollars. All bonds issued by the commonwealth as aforesaid, shall be designated on the face Capital Outlay Loan Act of 1958, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-four. *Approved October 16, 1958.*

CHAP. 651. AN ACT RELATING TO THE DIGHTON-REHOBOTH REGIONAL SCHOOL DISTRICT AND VALIDATING PROCEEDINGS RELATING THERETO AND OTHER PROCEEDINGS OF THE TOWN OF DIGHTON.

Be it enacted, etc., as follows:

SECTION 1. The proceedings heretofore taken relating to the organization of The Dighton-Rehoboth Regional School District, including the proceedings of the member towns relating to such organization, are hereby validated, and said district is hereby declared to be, and at all times since its organization to have been, a valid district with all the rights, powers and duties of districts duly organized under section fifteen of chapter seventy-one of the General Laws.

SECTION 2. All proceedings heretofore taken by the town of Dighton at town meetings held during nineteen hundred and fifty-six, nineteen hundred and fifty-seven and nineteen hundred and fifty-eight are hereby validated, notwithstanding any defect in the warning of such meetings, to the same extent as if such meetings had been duly warned in all respects.

SECTION 3. This act shall take effect upon its passage.

Approved October 16, 1958.

CHAP. 652. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY CERTAIN LAND IN THE CITY OF BOSTON TO BOSTON COLLEGE HIGH SCHOOL.

Be it enacted, etc., as follows:

The metropolitan district commission, for and in behalf of the commonwealth, is hereby authorized and directed to transfer and convey to Boston College High School, and to accept as partial consideration

therefor a waiver by said Boston College High School of any and all claims to damages arising from the taking by the metropolitan district commission under chapter seventy-nine of the General Laws on April twenty-second, nineteen hundred and fifty-four of certain land owned by said Boston College High School and adjacent to William T. Morrissey Boulevard, a certain parcel of land located in the city of Boston and bounded and described approximately as follows: — northerly by land of Boston College High School; easterly by the United States bulk-head line; southerly by land now or formerly of Savin Hill Yacht Club, Inc.; westerly by a line running about forty-five feet easterly of the curb on the easterly side of William T. Morrissey Boulevard.

Approved October 16, 1958.

CHAP. 653. AN ACT AUTHORIZING THE NORTHERN WORCESTER COUNTY WELFARE DISTRICT TO BORROW MONEY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The Northern Worcester County Welfare District is hereby authorized to construct and equip a building for the use of said district, and the district welfare committee may, in the name and on behalf of the district, acquire by purchase, gift or otherwise, or take by eminent domain under chapter seventy-nine of the General Laws, such land as may be necessary for such purpose.

SECTION 2. For the purpose of paying the necessary expenses incurred under this act the district may borrow from time to time such sums as may be necessary, not exceeding in the aggregate twenty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words Northern Worcester County Welfare District Loan, Act of 1958. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than twenty years from their dates.

SECTION 3. Written notice of the amount of the debt authorized hereunder shall be given to the board of selectmen in each of the towns comprising said district not later than seven days after the date on which said debt was authorized by the district welfare committee; and no debt may be incurred until the same has been approved at an annual or special town meeting, called for that purpose, in each of the towns comprising said district.

Approved October 16, 1958.

CHAP. 654. AN ACT RELATIVE TO THE CHARGES FOR EXAMINATIONS OF BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to regulate forthwith charges for examination of all banks under the supervision of the commonwealth effective on December first, nineteen hundred and fifty-eight, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 167 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended

by chapter 171 of the acts of 1956, and inserting in place thereof the following paragraph: —

The commissioner, either personally or by his examiners, or such others of his assistants as he may designate, shall, at least once in each year, make a thorough examination of the books, securities, cash, assets and liabilities and ascertain the condition of all banks under his supervision, the ability of each bank to fulfill its obligations, and also whether it has complied with the law; and he may also, whenever he considers it expedient, make, or cause to be made, at the expense of the bank, such further examinations or audits as he deems advisable.

The cost of the annual examination or audit of each bank under the supervision of the commissioner shall be paid by said bank and shall include, subject to the limitations herein contained, all monies expended by the commonwealth for personal services and such proportion of the general overhead of the division of banks and loan agencies, including travel, hotel and meal allowances, as is determined by the commissioner to be attributable to such examination or audit. The total charge for such examination or audit shall be twenty dollars per day for each man participating therein plus an amount not in excess of ten cents per one thousand dollars of assets of such bank which together will in the discretion of the commissioner be sufficient to reimburse the commonwealth for the cost of such examination or audit. Each bank shall, within thirty days after notice from the commissioner of the charge for such examination or audit, pay to him such charge. No examination charge shall be collected hereunder from a bank which has been in operation for one year or less nor shall a charge in excess of one half of the amount actually attributable to such examination or audit be assessed against a bank which has been in operation for more than one year but less than two years.

SECTION 2. Section 41 of chapter 170 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 10 of the acts of 1956.

SECTION 3. Section 3 of chapter 171 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter 328 of the acts of 1957.

SECTION 4. This act shall take effect on December first, nineteen hundred and fifty-eight.

Approved October 16, 1958.

CHAP. 655. AN ACT REQUIRING THE REGISTRATION OF HEALTH, WELFARE AND RETIREMENT TRUST FUNDS, THE FILING OF ANNUAL REPORTS BY THE TRUSTEES THEREOF AND RELATIVE TO THE ESTABLISHMENT OF A HEALTH, WELFARE AND RETIREMENT FUNDS BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to defer the operation of chapter seven hundred and seventy-eight of the acts of nineteen hundred and fifty-seven establishing a health, welfare and retirement funds board and regulating such funds, which took effect October first, nineteen hundred and fifty-eight, until similar federal legislation takes effect on January first, nineteen hundred and fifty-nine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Sections 10A, 10B and 10C of chapter 23 of the General Laws, inserted by section 1 of chapter 778 of the acts of 1957, are hereby repealed.

SECTION 2. Chapter 151D of the General Laws, inserted by section 2 of said chapter 778, is hereby repealed.

SECTION 3. Chapter 23 of the General Laws is hereby amended by inserting after the caption HEALTH, WELFARE AND RETIREMENT TRUST FUNDS BOARD, inserted by section 1 of said chapter 778, the following three sections: — *Section 10D.* There shall be in the department but not under its supervision or control, a health, welfare and retirement trust funds board, hereafter in this section and in sections ten E and ten F called the board, consisting of the commissioner of banks, the commissioner of insurance and the commissioner of labor and industries. The members shall annually elect one of their number to serve as chairman of said board.

Section 10E. Subject to the provisions of chapter thirty A, the board shall administer the provisions of chapter one hundred and fifty-one D and shall adopt such rules and regulations as may be necessary for the administration and enforcement of said chapter one hundred and fifty-one D, and may alter or repeal the same. Copies of such rules and regulations and amendments, alterations and repeals thereof, shall be provided by the board for public distribution. The board may, subject to appropriation, make such expenditures as may be necessary in carrying out the provisions of said chapter one hundred and fifty-one D. It shall make an annual report to the governor and to the general court relative to its administration and operation of said chapter one hundred and fifty-one D during the preceding fiscal year, together with such recommendations as it deems proper.

Section 10F. Subject to appropriation, the board may appoint and employ such officers, accountants, clerks, secretaries, agents, investigators, auditors and other employees as it may deem necessary for the proper administration of chapter one hundred and fifty-one D. All persons so appointed or employed shall be subject to chapter thirty-one and the rules made thereunder, and also subject to such rules and regulations not inconsistent therewith as may be adopted by the board. The board shall not appoint or employ any person who is an officer or committee member of a political party. The board shall fix the duties of all persons appointed and employed by it, and may authorize any such person to perform such duties, functions and powers of the board as may be necessary or suitable for the proper administration and enforcement of chapter one hundred and fifty-one D. The board may, in its discretion, bond any person handling moneys or signing checks hereunder.

SECTION 4. The General Laws are hereby amended by inserting after chapter 151C the following new chapter: —

CHAPTER 151D.

HEALTH, WELFARE AND RETIREMENT FUNDS.

Section 1. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise: —

"Trust", all funds derived in whole or in part from contributions from employers or employees or both, and designed for the purpose of paying or providing for medical or hospital care, pensions, annuities, benefits on retirement or death or unemployment of beneficiaries, compensation for injuries or illness, insurance to provide any of the foregoing, or life insurance, disability and sickness insurance or accident insurance for the benefit of beneficiaries or their dependents.

"Trustee", person, board or committee charged with the overall management and administration of the plans under which funds of a trust are derived or for which such funds are provided, by whatever title described in any document creating or providing for the management of such plans. If any such funds are operated as a corporation, the officers and directors thereof shall be trustees, and shall be under the same responsibility and obligations as the trustees of any such fund not operated as a corporation, except that the account required under section three may be filed in the name of the corporation.

"Beneficiaries", those persons whether ascertained or unascertained, having any interest present or future, vested or contingent.

"Board", the health, welfare and retirement trust funds board.

Section 2. With respect to trusts which provide benefits for twenty-five or more employees within this commonwealth, the trustees shall register such trusts with the board in accordance with the provisions of this section within ninety days after such trust becomes subject to the provisions of this chapter.

The registration shall be in the form prescribed by the board and shall include certified copies of the trust indentures, contracts, corporate by-laws and any and all other documents creating or relating to the organization and operation of such trusts.

Any trustee neglecting to file its registration in the form and within the time specified may be required to forfeit five dollars for each day during which such neglect continues. The time for filing any registration may be extended by the board.

Section 3 (a). The trustees required to register under section two shall file an annual report with the board within five months after the end of the calendar year, or if the records of the trust are kept on a policy or fiscal year basis then within five months after the end of such policy or fiscal year. Said report shall be in writing upon a form prescribed by the board. It shall be signed and certified under oath as prescribed by the board. It shall contain the following information for the preceding calendar, policy or fiscal year: the value of the fund as of the end of the fiscal year; the amount contributed by the employer or employers; the amount contributed by the employees; the amount of benefits paid for each class of benefits; the number of employees covered; the salaries and fees paid by or charged to the fund, to whom paid, in what amount, and for what purposes. If some or all of the benefits under the fund are provided by an insurance carrier or by a hospital, surgical or medical service or any other similar type of plan, such report shall also include for each such year, with respect to such fund and for each class of benefits, the following information: the premium rate or subscription charge and the total premium or subscription charges paid to each such insurance carrier or service plan; the number of persons covered by each class of benefits; the total claims incurred and the total claims paid by such insurance carrier or service plan; dividends, commissions and ad-

ministrative, service or other fees paid by such insurance carrier or service plan; retentions by such insurance carrier or service plan; the names and addresses of the brokers, agents or other persons to whom commissions or fees were paid, the amounts paid to each, and the services rendered for said commissions or fees. Such insurance carrier or service plan shall certify to the trustees of such trust within four months after the end of each policy year, the information necessary to enable such trustees to comply with the requirements of this paragraph. Any insurance carrier or service plan failing to furnish such information within the time specified shall forfeit five dollars for each day during which such failure continues. The board may also request in writing such supplemental information as is necessary to clarify and explain any such annual reports.

Any trustee neglecting to file its annual report in the form and within the time specified may be required to forfeit five dollars for each day during which such neglect continues. The time for filing any such report may be extended by the board.

(b) The board may upon application to, and after notice to the trust, with the approval of a judge of a probate court, for good and sufficient cause shown, examine the books and records and investigate the administration of any trust, and the board may require the attendance and testimony of witnesses, who shall be summoned in the same manner and paid the same fees as witnesses in the superior court. Such witnesses shall be duly sworn and shall give their testimony under the penalties of perjury. The board may conduct examinations at such places and take deposition within or without the commonwealth as the court may order.

(c) No trustee or employer, or labor organization representing any employees eligible for benefits under a trust required to register under this chapter, and no officer, agent or employee of any such trustee, employer or labor organization shall receive directly or indirectly any payment, commission, loan, service or any other thing of value from any insurance company, insurance agent, insurance broker or any hospital, surgical or medical service plan, in connection with the solicitation, sale, service or administration of a contract providing benefits for such trust, or receive any payment, commission, loan, service or any other thing of value from such trust, or which is charged against such trust or would otherwise be payable to such trust either directly or indirectly, except that any such person may receive any benefits under a trust to which he is otherwise entitled, and any trustee, employer or labor organization, or his or its officer, agent or employee, may receive from such trust reasonable compensation for necessary services and expenses rendered or incurred by him or it in connection with the official duties of such trust; provided, however, that nothing in this paragraph shall affect the payment of any dividend or rate credit or other adjustment due under the terms of any insurance or annuity contract to the policyholder or contract holder.

No insurance company, insurance agent or insurance broker and no hospital, surgical or medical service plan, shall either directly or indirectly, pay any commission, make any loan or give any other payment or thing of value to any employee welfare fund or to any employer or labor organization representing any employees eligible for employee benefits thereunder or to any trustee or other officer or employee of any such fund, employer or labor organization, in connection with the

solicitation, sale, service or administration of a contract providing employee benefits for such fund.

(d) Any trustee subject to the provisions of this chapter, which has a principal place of business located outside the commonwealth shall appoint an agent in the commonwealth for the service of process upon such trustee in his capacity as trustee and register the name and address of such agent with the board. Any such trustee who fails to appoint an agent in the commonwealth shall be deemed and held, in relation to any cause of action or proceeding against him as trustee, to have appointed the commissioner of corporations and his successor in office to be his true and lawful attorney and any process in any such action or proceeding against such trustee served upon the commissioner or his successor in office shall be of the same legal force and validity as if served on such trustee personally. When legal process against any such trustee is served upon the commissioner, he shall immediately give notice to the trustee of such service by registered mail, postage prepaid, return receipt requested, directed to the trustee and shall, within two days after such service, forward in the same manner, a copy of the process served upon him to such trustee. A fee of two dollars shall be paid by the plaintiff to the commissioner at the time of the service and shall be taxed in his costs if he prevails in the suit. The commissioner shall keep a record of all such processes, which shall show the day and hour of service. In the case of service of process on a trustee who has not appointed an agent for the service of process, the notice herein provided for shall be mailed by the commissioner to the proper address of the trustee which shall be furnished to him by the plaintiff or his attorney.

(e) If, after notice and a hearing, the board finds that any trust has been depleted by reason of any wrongful or negligent act or omission of a trustee or of any other person, it may bring an action or intervene in an action brought by or on behalf of an employee or an employer, against the person, whether or not the trustee, whose act or omission has caused such depletion, for the recovery of such monies, securities, property or thing of value for the benefit of the beneficiaries.

(f) A summary of the report in such form as shall be approved by the board setting forth in summary form the information required to be filed under subsection (a) shall be filed annually with the board at the same time as the filing of said report. It shall be kept available for public inspection at the office of the board. The board may, if it deems it necessary for the accomplishment of the purposes of this act in the case of any particular trust, direct the trustees to distribute or appropriately publish copies of such summary to all employers, employees, and labor organizations participating in the trust. Except as provided in this subsection, all reports and other information in the possession of the board and any duly authenticated copy or copies thereof in the possession of the trustees shall be confidential communications, shall not be subject to subpoena and shall not be made public unless the ends of justice and the public advantage will be subserved by the publication thereof in the case of any particular trust, in which event the board shall publish a copy of such report or other information or any part thereof in such manner as the board may deem proper.

Section 4. The fee for registering a trust under the provisions of section two shall be fifty dollars.

The fee for filing annual reports with the board shall be ten dollars per year.

Section 5. Any trustee, official, employee or other person who is convicted of embezzling or misappropriating trust funds, securities or other property entrusted to his care or custody, or of falsification of records or destruction of records with intent to defraud, or of wilfully and knowingly filing false statements, or of violating the provisions of subsection (c) of section three, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than five years, or both.

Section 6. The provisions of this chapter shall not apply to workmen's compensation or to any retirement fund, plan or program or any health and welfare fund, plan or program established by the commonwealth or by any political subdivision thereof or by any educational, charitable or religious organization, nor to any employees' retirement association established by general or special law which is subject by law to an audit or examination by either the commissioner of banks or the commissioner of insurance.

Section 7. Where a trust or its trustees are subject to and comply with the requirements of the law of any other state or of the United States which substantially meets the requirements of this chapter with respect to registration, filing, examination, statements or reports, the requirements of this chapter or any of them to the extent that they are included in such other laws may be waived by the board with respect to any such trust or trustees. Where such a waiver has been granted, the board shall require the filing with it of copies of documents filed by any such trustees with the other state or with the United States. Application for such a waiver shall be made in writing to the board on such forms as it may require and any waiver issued by it hereunder shall be in writing and a copy thereof shall be filed in its office. The board may, at any time, revoke any such waiver if, in its opinion, such other laws fail to accomplish adequately the purposes of this chapter. Any action of the board pursuant to this section shall be subject to judicial review.

Section 8. Nothing in this chapter shall be construed to relieve the trustee of any fund from compliance with any provisions of any other applicable laws of the commonwealth.

Section 9. If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected.

Section 10. In addition to any other penalty or punishment otherwise prescribed by law any person or employer, and the president, secretary, and treasurer, or officers exercising corresponding functions, of a corporation which is an employer, who is party to an agreement to pay or provide the contributions covered by this chapter or who is so required to pay these contributions under the terms of sections twenty-six and twenty-seven of chapter one hundred and forty-nine, and who refuses or wilfully fails or grossly neglects to pay such contributions or payments within thirty days after such payments are required to be made shall be punished by a fine of not less than ten nor more than fifty dollars or by imprisonment in a jail or house of correction for not more than two months, or both.

SECTION 5. Sections one and two of this act shall take effect upon its passage. Sections three and four of this act shall take effect on January first, nineteen hundred and fifty-nine.

Approved October 17, 1958.

CHAP. 656. AN ACT PROVIDING FOR THE DEVELOPMENT OF STATE PARKS, STATE FOREST RECREATION AREAS AND STATE RESERVATIONS BY THE DEPARTMENT OF NATURAL RESOURCES AND AUTHORIZING THE ACQUISITION OF LAND THEREFOR BY EMINENT DOMAIN.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide as soon as may be an adequate system of state parks, state forest recreation areas and state reservations, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public health, welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 132A of the General Laws is hereby amended by inserting after section 2 the following four sections: — *Section 2A.* The commissioner is hereby authorized and directed to establish a long-term program of state parks, state forest recreation areas and state reservations, and for such purpose may improve areas now under the control of the department of natural resources and acquire adequate land and water areas for said facilities and approaches thereto. The commissioner may accept from other public or private organizations existing areas in public use.

Section 2B. It is hereby declared to be the policy of the commonwealth that all such sites acquired or developed by the commissioner shall in so far as practicable be preserved in their natural state; that they shall be in so far as possible collectively self-supporting; and that no commercial activities except those essential to the quiet enjoyment of the facilities by the people shall be permitted.

Section 2C. The planning, construction, operation and maintenance of the facilities acquired or developed under section two A shall be under the jurisdiction of the commissioner. In the preparation of plans of said facilities, the commissioner shall have the advice and assistance of the department of public works, the metropolitan district commission, the department of public health and the department of commerce.

Section 2D. In the development and improvement of state parks, state forest recreation areas and state reservations, the commissioner is hereby authorized and empowered: — (1) To acquire, plan, construct, maintain and operate public recreational facilities, including roads, areas for parking, picknicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, comfort stations, food accommodations and such other facilities as the commissioner deems necessary and desirable and consistent with the policy of the commonwealth, as set forth in section two B.

(2) To impose and collect such charges and fees for the use of the lands, buildings, facilities and equipment enumerated in subdivision (1) as may be necessary to defray in so far as practicable the cost of such developments and improvements, including costs of maintenance

and operation and bond amortization and interest and to revise said fees and charges from time to time.

(3) To designate such areas as may be used in season for hunting and fishing.

SECTION 2. Said section 3 of said chapter 132A is hereby amended by striking out the first sentence, as amended by chapter 672 of the acts of 1955, and inserting in place thereof the following sentence: — The commissioner may, from time to time within the limits of appropriations made therefor, acquire for the commonwealth, by eminent domain under chapter seventy-nine or by purchase, lease or otherwise, any lands suitable for purposes of conservation or recreation lying outside of the metropolitan parks district, and may lay out and maintain such lands for such purposes and erect and maintain such structures and other facilities thereon as may be necessary to render such lands reasonably available and accessible therefor; provided, however, that no land held in trust for public use shall be taken by eminent domain.

SECTION 3. Said chapter 132A is hereby further amended by inserting after section 3 the following section: — *Section 3A.* The exercise of the power of eminent domain under the provisions of section three shall be subject to the approval of the board of natural resources, the governor and council, and the board of selectmen in any town in which*is located any land proposed to be taken by eminent domain. If such board of selectmen fails to approve or disapprove such proposed taking within thirty days after receipt of written notice thereof from the commissioner, such board shall be deemed to have approved thereof.

Approved October 17, 1958.

CHAP. 657. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO HAVE PLANS AND SPECIFICATIONS PREPARED FOR AN ADDITION TO THE HOUSE OF CORRECTION AND JAIL FOR SAID COUNTY, AND MAKING A SUPPLEMENTAL APPROPRIATION FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and directed to have plans and specifications prepared for an addition to the house of correction and jail for said county. For said purposes, said commissioners may expend not exceeding twenty-five thousand dollars.

SECTION 2. The following sum is hereby appropriated for the county of Barnstable for the current year, in addition to the sum appropriated by section one of chapter six hundred and forty-eight of the acts of the current year: —

Item	
26a For preparation of plans and specifications for an addition to the house of correction and jail	\$25,000 00

This sum shall be added to the amount to be levied as the county tax for said county for the current year, as provided by section one of said chapter six hundred and forty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved October 17, 1958.

CHAP. 658. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO HAVE PLANS AND SPECIFICATIONS PREPARED FOR A NEW COURT HOUSE FOR THE DISTRICT COURT OF SOMERVILLE, AND MAKING A SUPPLEMENTAL APPROPRIATION FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing adequate court house accommodations and facilities for the district court of Somerville, the county commissioner of the county of Middlesex are hereby authorized and directed to cause plans and specifications to be prepared for a new court house. For said purposes, said commissioners may expend not exceeding twenty-five thousand dollars.

SECTION 2. The following sum is hereby appropriated for the county of Middlesex for the current year, in addition to the sum appropriated by section one of chapter six hundred and forty-eight of the acts of the current year: —

Item

26a	For preparation of plans and specifications for a new court house for providing adequate court house accommodations and facilities for the district court of Somerville	\$25,000 00
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This sum shall be added to the amount to be levied as the county tax for said county for the current year, as provided by section one of said chapter six hundred and forty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved October 17, 1958.

CHAP. 659. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPSHIRE TO HAVE PLANS AND SPECIFICATIONS PREPARED FOR REPAIRS, ALTERATIONS AND AN ADDITION TO THE COURT HOUSE OF SAID COUNTY, AND MAKING A SUPPLEMENTAL APPROPRIATION FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampshire are hereby authorized and directed to have plans and specifications prepared for repairs, alterations and an addition to the court house of said county. For said purposes, said commissioners may expend not exceeding twenty-five thousand dollars.

SECTION 2. The following sum is hereby appropriated for the county of Hampshire for the current year, in addition to the sum appropriated by section one of chapter six hundred and forty-eight of the acts of the current year: —

26a.	For preparation of plans and specifications for repairs, alterations and an addition to the court house	\$25,000 00
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This sum shall be added to the amount to be levied as the county tax for said county for the current year, as provided by section one of said chapter six hundred and forty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved October 17, 1958.

CHAP. 660. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would cause great inconvenience in the issues of bonds and notes to carry out the purposes of various acts passed at the current session of the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section seven of chapter thirty-two of the acts of the current year, relating to the accelerated highway program, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and sixty-four, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter seven hundred and sixty-nine of the acts of nineteen hundred and fifty-five, as amended by section two of chapter three hundred and ten of the acts of the current year, increasing the bond issue authorized for the construction of certain projects at Laurence G. Hanscom Field and providing for the reimbursement of certain lessees for money expended to complete said projects, shall be issued for maximum terms of twenty-five years, and shall be payable not later than June thirtieth, nineteen hundred and eighty-one, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter five hundred and ninety of the acts of the current year, providing additional funds to cover the cost of certain sewerage works within the north metropolitan sewerage district, shall be issued for maximum terms of thirty years, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds, notes or other forms of written acknowledgment of debt which the state treasurer is authorized to issue under section eight of chapter seven hundred and five of the acts of nineteen hundred and forty-five, further providing for sewage disposal needs of the north and south metropolitan sewerage districts and communities which now or hereafter may be included in said districts, the unissued balance of which the state treasurer is reauthorized to issue under section two of chapter six hundred and forty-nine of the acts of the current year, further extending the time within which certain sewerage projects and works in the north and south metropolitan sewerage districts may be undertaken

and completed, shall be issued for terms not exceeding twenty years from their dates of issue, and the notes which said treasurer is authorized to issue under section ten of said chapter seven hundred and five shall be issued for terms not exceeding one year from their dates of issue, as recommended by the governor in a message to the general court dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under chapter six hundred and six of the acts of nineteen hundred and forty-nine, further providing for sewage disposal needs of the north and south metropolitan sewerage districts and communities which now or hereafter may be included in said districts, the unissued balance of which the state treasurer is reauthorized to issue under section two of chapter six hundred and forty-nine of the acts of the current year, further extending the time within which certain sewerage projects and works in the north and south metropolitan sewerage districts may be undertaken and completed, shall be issued for maximum terms of thirty years, and shall be payable not later than June thirtieth, nineteen hundred and ninety, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under chapter six hundred and forty-five of the acts of nineteen hundred and fifty-one, making the Boston main drainage system a part of the south metropolitan sewerage system and further providing for the sewage disposal needs of the north and south metropolitan sewerage districts and communities which hereafter may be included in said districts, the unissued balance of which the state treasurer is reauthorized to issue under section two of chapter six hundred and forty-nine of the acts of the current year, further extending the time within which certain sewerage projects and works in the north and south metropolitan sewerage districts may be undertaken and completed, shall be issued for maximum terms of forty years, and shall be payable not later than June thirtieth, nineteen hundred and ninety-five, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section three of chapter six hundred and fifty of the acts of the current year, to provide for a special capital outlay program for the commonwealth, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and sixty-four, and the bonds which the state treasurer is authorized to issue under section four of said chapter six hundred and fifty, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the

date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-four, as recommended by the governor in a message to the general court, dated October sixteenth, nineteen hundred and fifty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

Approved October 17, 1958.

CHAP. 661. AN ACT ESTABLISHING THE OFFICE OF FEDERAL-STATE CO-ORDINATOR UNDER THE COMMISSIONER OF ADMINISTRATION.

Be it enacted, etc., as follows:

Chapter 7 of the General Laws is hereby amended by inserting after section 3 the following section: — *Section 3A.* There shall be under the commissioner of administration a division of federal-state relations, which shall be under the direction of a co-ordinator of federal-state relations to be known and designated as the federal-state co-ordinator, in this section called the co-ordinator. The governor shall, with the advice and consent of the council, appoint said co-ordinator to serve during his pleasure. He shall devote his full time to his official duties, shall not hold any other public office, and shall receive a salary of twelve thousand dollars. He shall co-ordinate the activities of all officials of the commonwealth and its political subdivisions in dealings with the federal government and federal agencies, and shall, so far as the governor may direct, co-ordinate the activities of officials and officers of non-public institutions and agencies in such dealings.

The governor may direct the co-ordinator to aid and co-operate with the above-named officials and officers and their relationship with interstate and non-profit national organizations such as, but not limited to, the council of state governments, the American municipal association, national rehabilitation association and private foundations.

The co-ordinator may, subject to appropriation, appoint such experts, clerks and other assistants as the work of the division may require, may remove them, and may make such expenditures as may be necessary in order to effectuate the purposes of this section.

Approved October 17, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 28, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 661 of the Acts of 1958, entitled, "An Act Establishing the Office of Federal-State Co-Ordinator under the Commissioner of Administration" and the enactment of which received my approval on October 17, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would tend to defeat its purpose which is to achieve closer co-ordination between officials of the commonwealth and its political subdivisions with agencies of the federal government especially concerning availability of federal funds.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 28, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and sixty-one of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 662. AN ACT ESTABLISHING A COMMISSION ON EMPLOYMENT OF THE HANDICAPPED AND DESIGNATING THE FIRST FULL WEEK OF OCTOBER AS EMPLOY THE HANDICAPPED WEEK.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 15E, inserted by chapter 265 of the acts of 1958, the following section: — *Section 15F.* The governor shall annually issue a proclamation setting apart the first full week of October as Employ the Handicapped Week.

SECTION 2. Section 17 of said chapter 6, as most recently amended by section 1 of chapter 623 of the acts of 1958, is hereby further amended by striking out the words "and the Massachusetts rehabilitation commission" and inserting in place thereof the words: —, the Massachusetts rehabilitation commission and the commission on employment of the handicapped.

SECTION 3. Said chapter 6 is hereby further amended by adding after section 104, added by section 2 of said chapter 623, the following three sections under the caption COMMISSION ON EMPLOYMENT OF THE HANDICAPPED: —

Section 105. There shall be a commission on employment of the handicapped, in this section and sections one hundred and six and one hundred and seven called the commission, consisting of the commissioner of labor and industries, the commissioner of education, the commissioner of mental health, the commissioner of public health, the commissioner of public welfare, the commissioner of veterans' services, the commissioner of rehabilitation, the director of the division of employment security, the director of the division of the blind, the chairman of the industrial accident board, and the director of civil service, ex officio, or

their respective representatives, and sixteen members to be appointed by the governor, with the advice and consent of the council, of whom three shall represent voluntary rehabilitation agencies, two shall represent industry, two shall represent labor, and two shall represent veterans' organizations. The governor shall designate one of the other seven appointive members as chairman of the commission. Of the appointive members, four shall be designated in their initial appointments to serve for terms of one year, four for terms of two years, four for terms of three years and four for terms of four years. Upon the expiration of the term of an appointive member his successor shall be appointed in like manner for a term of four years. The governor shall in like manner fill any vacancy for the remainder of the unexpired term.

Section 106. The commission shall carry on a continuing program to promote the employment of handicapped persons, shall co-operate with all public and private agencies interested in the employment of the handicapped, and shall co-operate with all such agencies responsible for or interested in the rehabilitation and placement of the handicapped. The commission shall encourage the organization of committees at community level and work closely with such committees in promoting the employment of the handicapped. It shall assist in developing employer acceptance of qualified handicapped workers, and shall inform handicapped persons of specific facilities available to them in seeking employment. The commission shall seek to create statewide interest in the program to promote employment of the handicapped, and may conduct such educational programs as it deems necessary.

Section 107. The commission shall report annually to the general court and to the governor its activities and its recommendations. The members of the commission shall receive no compensation for their services. The commission may appoint an executive secretary who shall be exempt from the provisions of chapter thirty-one. The commission may expend for the salary of the executive secretary and for other expenses such sums as may be appropriated. The commission may also receive funds by gift, bequest and otherwise and expend the same in carrying out its program of promoting the employment of handicapped persons.

Approved October 17, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 28, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 662 of the Acts of 1958, entitled, "An Act Establishing a Commission on Employment of the Handicapped and Designating the First Full Week of October as Employ the Handicapped Week" and the enactment of which received my approval on October 17, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will delay the achievement of greater employment opportunities for the handicapped.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 28, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and thirty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and sixty-two of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 663. AN ACT PROVIDING FOR A STUDY BY THE OLD COLONY AREA TRANSPORTATION COMMISSION OF THE ADVISABILITY OF CONTINUING THE PRESENT RAIL SERVICE AND THE FEASIBILITY OF ESTABLISHING A RAPID TRANSIT SERVICE AND BUS SERVICE IN THE OLD COLONY AREA.

Be it enacted, etc., as follows:

The Old Colony Area Transportation Commission established by section one of chapter five hundred and forty-one of the acts of nineteen hundred and fifty-eight shall make a study of the advisability of continuing the present rail service on the tracks of the Old Colony Division of the New York, New Haven and Hartford Railroad Company, as authorized by said chapter five hundred and forty-one, and the feasibility of establishing a rapid transit service on said tracks between Boston and Quincy and points south of Quincy and of substituting any other form of public transportation in place of train service for those communities in the Old Colony Area which lie beyond the orbit of any proposed rapid transit service.

Said commission shall cause to be prepared such preliminary plans and estimates of the cost of construction, equipment and acquisition of rights-of-way, together with estimates of passenger traffic potential and anticipated revenues, as it deems advisable.

Said commission is hereby authorized to engage consulting engineers and contractors to perform, under its direction, such work as it deems necessary.

For the purpose of making surveys and borings in connection with the work authorized under this act, the commission and its consultants and contractors may enter upon and use public and private ways and lands. Any person injured in his property by such entry or use of his land by the commission or its agents may recover his damages under chapter seventy-nine of the General Laws.

For the purposes of this act said commission may expend such sum or sums not exceeding one hundred thousand dollars as may be necessary.

The aggregate amount of expenditures by the commission under this act shall be assessed, as provided by section twenty of chapter fifty-nine

of the General Laws, upon the cities and towns named in paragraph two of section three of said chapter five hundred and forty-one and in the proportions set against their respective names in said section of said act. Each sum in excess of five hundred dollars expended by the commission shall require the prior approval of such proposed expenditure by the Old Colony Area Transportation Advisory Council.

The state treasurer may borrow, in anticipation of the assessments to be levied upon the cities and towns as herein provided, such sum or sums as may be necessary not exceeding one hundred thousand dollars for the purpose of meeting payments authorized under the provisions of this act; and he shall repay all sums so borrowed as soon after said assessments are paid as is expedient, but in any event before the close of the fiscal year in which the same is borrowed.

The commission may from time to time report to the general court the results of its study, together with such plans, statistics and drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate, but in any event shall file its final report not later than the first Wednesday in July, nineteen hundred and fifty-nine.

Approved October 17, 1958.

CHAP. 664. AN ACT AUTHORIZING THE COMMONWEALTH OF MASSACHUSETTS AND CITIES, TOWNS AND REGIONAL SCHOOL DISTRICTS IN THE COMMONWEALTH TO ACCEPT AND DISBURSE FEDERAL FUNDS IN ACCORDANCE WITH THE NATIONAL DEFENSE EDUCATION ACT.

Be it enacted, etc., as follows:

The commonwealth of Massachusetts and cities, towns and regional school districts therein are hereby authorized to accept and disburse federal funds in accordance with the provisions of the National Defense Education Act of 1958 (Public Law 85-864), and any funds so received by a city, town or regional school district, shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and may be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws.

Approved October 17, 1958.

CHAP. 665. AN ACT ESTABLISHING FORTY DOLLARS AS MAXIMUM WEEKLY BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 34, as most recently amended, by section 1 of chapter 735 of the acts of 1956, and inserting in place thereof the following section: — *Section 34.* While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than forty dollars nor less than twenty dollars a week, unless the weekly wages of the injured employee are less than twenty dollars, in

which case said weekly compensation shall be equal to his average weekly wages, but not less than ten dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed ten thousand dollars except that if the injured employee has received compensation for the same injury under section thirty-five, the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 2. Section 34A of said chapter 152 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 735, and inserting in place thereof the following sentence: — While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to two thirds of the average weekly wages, but not more than forty dollars per week and not less than twenty dollars a week during the continuance of such permanent and total incapacity.

SECTION 3. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 3 of chapter 777 of the acts of 1955, and inserting in place thereof the following section: — *Section 35.* While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wages before the injury and the average weekly wages he is able to earn thereafter, but not more than forty dollars a week; and the amount of compensation payable under this section shall not be more than twelve thousand dollars, nor shall the combined amount of compensation payable under this section and section thirty-four be more than twelve thousand dollars.

Approved October 17, 1958.

CHAP. 666. AN ACT FURTHER REGULATING INDUSTRIAL HOMEWORK.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 147 of chapter 149 of the General Laws, as most recently amended by section 6 of chapter 764 of the acts of 1955, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — No original permit shall be granted by the commissioner to any employer at whose plant there is a strike, and any permit so issued shall be revoked or suspended, unless the commissioner finds such strike to be unlawful under the provisions of paragraph (e) of section twenty C.

SECTION 2. Section 147A of said chapter 149 is hereby amended by striking out the last paragraph, inserted by section 8 of said chapter 764, and inserting in place thereof the following paragraph: —

No original certificate shall be granted by the commissioner to any person for work to be done for an employer at whose plant there is a strike, and any certificate so issued shall be revoked or suspended, unless the commissioner finds such strike to be unlawful under the provisions of paragraph (e) of section twenty C.

Approved October 17, 1958.

CHAP. 667. AN ACT DESIGNATING A CERTAIN HIGHWAY AS THE GRAND ARMY OF THE REPUBLIC HIGHWAY.

Be it enacted, etc., as follows:

SECTION 1. That portion of the highway now known as Route 6A which begins in the town of Provincetown and extends to North Truro shall be designated as the Grand Army of the Republic Highway.

SECTION 2. This act shall take effect upon its passage.

Approved October 20, 1958.

CHAP. 668. AN ACT PROVIDING FOR FUNDS FOR REMODELING, RECONSTRUCTING AND MAKING EXTRAORDINARY IMPROVEMENTS AND REPAIRS TO BUILDINGS OWNED BY THE CITY OF BOSTON AND IN THE CUSTODY OF THE BOARD OF TRUSTEES IN CHARGE OF ITS HOSPITAL DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. To meet costs and expenses to be incurred in remodeling, reconstructing or making extraordinary improvements or repairs to buildings owned by the city of Boston and in the custody of the board of trustees in charge of its hospital department, the collector-treasurer of said city, without further authority than that contained in this act, shall borrow for said purposes the sum of one million dollars, and shall issue therefor bonds or notes of said city, which shall bear on their face the words: — City of Boston, Extraordinary Repairs Loan, Act of 1958. Such bonds or notes shall be payable in not more than ten years from their dates. Debt incurred under this act shall not be included in determining the limit of indebtedness of said city as established by law, but shall, except as herein provided, be subject to the provisions, applicable to said city, of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

Not less than three hundred and twenty-five thousand dollars of the proceeds of the borrowing under this section shall be used to match federal grants for the aforesaid purposes.

SECTION 2. Notwithstanding the provisions of any general or special law, including, without limiting the generality of the foregoing, the provisions of section fifty-three of chapter forty-four of the General Laws, out of such portion of the sum of ten million, nineteen thousand, three hundred and eighty dollars to be paid to the collector-treasurer of said city under section eight of chapter five hundred and ninety-eight of the acts of the current year as is not required by said section eight to be used only for a purpose or purposes for which said city is authorized to incur debt outside its debt limit for a period of twenty years or more, the sum of two million dollars shall, without further appropriation than is contained in this act, be used, in addition to the sum borrowed under section one, for remodeling, reconstructing or making extraordinary improvements or repairs to buildings owned by said city and in the custody of the board of trustees in charge of its hospital department.

SECTION 3. The proceeds of the borrowing provided for under section one and the sum provided by section two shall be used for the following specific purposes in the amounts respectively set forth: —

Boston City Hospital

Completion of electrical conversion program from DC to AC in 35 buildings	\$990,000
Dowling Building: Increase number of operating rooms, comply with licensing and code requirements, control infections, improve patient care	590,000
Matching Funds for Federal Grants: Thorndike Building, Maternity Building, Cheever Amphitheater	455,000
General structural changes in 14 major areas to improve safety, ingress and egress, patient care facilities	415,000
Maternity Building: Extensive revision of delivery rooms, provide caesarean section operating room, conference room, waterproofing	195,000
Intensive care units: Extensive alterations to provide seven eight-bed units to provide improved services for critically ill patients	105,000
Children's Building: to provide a diagnostic laboratory and a new milk formula room	80,000
Infectious disease control program: various alterations in laundry and rubbish chutes, elevator shafts, air conditioning, and the like to control dust more effectively	59,000

Long Island Hospital

Viaduct improvements, roof over various tunnel areas, demolish various Fort Strong area buildings, alterations for safety and improved care of patients	76,000
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Sanatorium.

Continue modernization of electrical distribution system	35,000
Total	\$3,000,000

SECTION 4. This act shall take full effect upon its acceptance by said city, by a two-thirds vote, as defined in section one of chapter forty-four of the General Laws.

Approved October 20, 1958.

CHAP. 669. AN ACT RELATIVE TO THE RIGHTS OF THE SURVIVING SPOUSE OF CERTAIN VETERANS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 58B of chapter 32 of the General Laws, as appearing in chapter 413 of the acts of 1957, is hereby amended by adding after the word "source", in line 9, the following words: — ; provided that said widow and the deceased veteran were living together at the time of his death, or that the retiring authority finds that they had been living apart for justifiable cause other than desertion or moral turpitude on the part of the widow.

SECTION 2. The fourth paragraph of said section 58B of said chapter 32, as appearing in section 1 of chapter 708 of the acts of 1957, is hereby amended by adding at the end the following sentence: — If the deceased veteran was a member of a system established under sections one to twenty-eight, inclusive, the provisions of paragraph (c) of subdivision (2) of section eleven and Option (d) of subdivision (2) of section twelve shall apply unless the appropriate retiring authority, as defined in section fifty-nine, is notified in writing of the election of the pension under this section within ninety days of the date of death of the veteran; provided, that no pension shall be paid under this section if the deceased veteran is survived by a beneficiary appointed under Option (d) of subdivision (2) of section twelve other than his spouse.

SECTION 3. Subdivision (3) of section 25 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by inserting after the third sentence the following sentence: — If a member entitled to be retired under the provisions of section fifty-eight dies before making written application for such retirement, or, having exercised the option provided by section fifty-eight B, dies before the effective date of his retirement, his widow shall, in addition to the pension provided under said section fifty-eight B, be paid the amount of the accumulated deductions credited to the account of said member in the annuity savings fund of the system of which he was a member on the date of his death, unless said member has designated a beneficiary other than his widow under the provisions of paragraph (c) of subdivision (2) of section eleven in which case said accumulated deductions shall be paid to such designated beneficiary.

SECTION 4. This act shall take effect as of June fourth, nineteen hundred and fifty-seven.

Approved October 21, 1958.

CHAP. 670. AN ACT AUTHORIZING THE CITY OF CHELSEA TO BORROW MONEY FOR A MUNICIPAL HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing an addition to the Chelsea Memorial Hospital, to contain maternity, surgical, medical, administrative and other units, and originally equipping the same, the city of Chelsea may borrow from time to time within a period of ten years from the passage of this act such sums as may be necessary, not exceeding, in the aggregate, one hundred and ninety thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words "Chelsea Municipal Hospital Loan, Act of 1958." Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be outside the statutory limit, and shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved October 21, 1958.

CHAP. 671. AN ACT AUTHORIZING CHAFFEE BROTHERS COMPANY OF OXFORD TO HAVE A CERTAIN APPEAL HEARD BY THE APPELLATE TAX BOARD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any special or general law to the contrary, Chaffee Brothers Company of Oxford is hereby authorized to prosecute its appeal now pending before the appellate tax board, Docket No. 33923, against the board of assessors of the town of Oxford for refusing to abate a certain real estate tax levied by the said assessors against it in the year nineteen hundred and fifty-seven, and said appellate tax board is hereby directed to hear said appeal as though the provisions of section sixty-five of chapter fifty-nine of the General Laws had been complied with.

SECTION 2. This act shall take effect upon its passage.

Approved October 21, 1958.

CHAP. 672. AN ACT RELATIVE TO THE CORRECTION, REVISION, REARRANGEMENT, CONSOLIDATION, COMPILATION AND RECODIFICATION OF THE GENERAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the appointment of a permanent recodification counsel and assistant recodification counsel serving directly under the general court, for the particular purpose of submitting recommendations for the continuous correction, revision, amendment, rearrangement, consolidation, compilation and recodification of the General Laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 3 of the General Laws is hereby amended by inserting after section 55 the following section:— *Section 55A*. The committees on rules of the two branches, acting concurrently, shall appoint a skilled person as recodification counsel and a skilled person as assistant recodification counsel. The assistant recodification counsel shall assist the recodification counsel in the performance of his duties and, in the absence of the recodification counsel, shall act in his stead. The recodification counsel and the assistant recodification counsel shall not be deemed to be executive or administrative officers within the meaning of the constitution, but shall serve directly under the general court. The recodification counsel may employ such legal and other assistance as may be necessary in the discharge of his duties, subject to the approval of the committees on rules of the two branches, acting concurrently, and may expend with like approval such sums as may be necessary for office, printing and other expenses.

The recodification counsel shall, from time to time, submit to the counsel to the senate and to the counsel to the house of representatives, jointly, recommendations, including drafts of legislation, for the correction, revision, amendment, rearrangement, consolidation, compilation and recodification of the General Laws, or any of them, and amendments thereof, including recommendations for the repeal of such statutory provisions as have become obsolete or the reasons for the enactment of which have ceased to exist. In submitting recommendations under this section the recodification counsel may recommend the omission or repeal of redundant enactments and those which may have ceased to have any effect on existing rights, the rejection or elimination of superfluous words, the condensation of circuitous, tautological and ambiguous phraseology and the correction of mistakes, inconsistencies and imperfections. Recommendations for changes of provisions of the General Laws and amendments thereof, as provided for in this section, shall be consistent with the will and intent of the general court as expressed in such provisions at the time of such recommendations.

SECTION 2. Section 53 of chapter 3 of the General Laws, as most recently amended by section 1 of chapter 376 of the acts of 1939, is hereby further amended by inserting after the first sentence the following sentence:— Said counsel may also submit to the general court such proposed changes in the general statutes as may be recommended to them by the recodification counsel under the provisions of section fifty-five A.

SECTION 3. Upon the effective date of this act the unexpended balance of the appropriation provided for by item 0105-01 of section two of chapter four hundred and thirty-four of the current year is hereby made available for the purposes of this act.

Approved October 21, 1958.

CHAP. 673. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC WELFARE TO THE DEPARTMENT OF PUBLIC HEALTH FOR THE MAINTENANCE OF THE TEWKSBURY HOSPITAL, AND THE TRANSFER OF CERTAIN FUNDS AND PERMANENT POSITIONS TO SAID HOSPITAL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the transfer of certain appropriated funds from the department of public welfare to the department of public health for the maintenance of Tewksbury Hospital, and certain other funds and permanent positions to said department of public health for use at said hospital, on January first, nineteen hundred and fifty-nine, on which date the department of public health takes over from the department of public welfare the responsibility for the maintenance of said hospital, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 613 of the acts of the current year is hereby amended by adding at the end the following two sections: — *Section 15.* Funds available or appropriated for expenditure by the department of public welfare for the Tewksbury State Hospital and Infirmary shall be available for expenditure by the department of public health for the Tewksbury Hospital. *Section 16.* To accomplish the purposes of sections twelve and thirteen of this act, the governor upon recommendation of the commission on administration and finance, may allocate funds by transfer or otherwise and may transfer permanent positions from item 1901-03 of section two of chapter four hundred and thirty-four of the acts of nineteen hundred and fifty-eight to item 1919-00 of said section two.

SECTION 2. This act shall take effect on January first, nineteen hundred and fifty-nine.

Approved October 21, 1958.

CHAP. 674. AN ACT REGULATING THE RETAIL INSTALMENT SALES OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 255A the following new chapter: —

CHAPTER 255B.

RETAIL INSTALMENT SALES OF MOTOR VEHICLES.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings: —

"Cash sale price", the price stated in a retail instalment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail instalment contract, if such sale had been a sale for cash instead of a retail instalment transaction. The cash sale price may include any taxes, charges for delivery, servicing, repairing or improving the motor vehicle, and shall include charges for accessories and installation costs, if any.

"Commissioner", the commissioner of banks.

"Finance charge", the amount agreed upon between the buyer and the seller, as limited herein, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and recording charges, in determining the time price.

"Holder", the retail seller of the motor vehicle under or subject to a retail instalment contract, or, if the contract is purchased by a financing agency or other assignee, the sales finance company or other assignee.

"Motor vehicle", any self-propelled, motored device in, upon or by which any person is, or may be, transported or drawn upon a highway and which is used or bought for use primarily for personal, family or household purposes. The term does not include self-propelled tractors, trucks, all commercial trailers and semi-trailers, buses, earth-moving and construction machinery or equipment, power shovels, road building machinery or equipment, implements of husbandry and other agricultural machinery or equipment, or machinery or equipment not designed primarily for highway transportation but which may incidentally transport persons on a highway, or devices which move upon or are guided by a track, or travel through the air.

"Recording charges", the filing or other fees required by law to be paid to a public officer to perfect the interest or lien, in or on a motor vehicle, retained or taken by a seller under a retail instalment contract, and to file or record a release, satisfaction or discharge of the contract.

"Retail buyer" or "buyer", a person who buys a motor vehicle from a retail seller for use primarily for personal, family or household purposes and who executes a retail instalment contract in connection therewith.

"Retail instalment contract" or "contract", an agreement, entered into in this state, pursuant to which the title to, the property in or a lien upon a motor vehicle, which is the subject matter of a retail instalment sale, is retained or taken by a retail seller from a retail buyer as security, in whole or in part, for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the terms of the contract.

"Retail instalment sale" or "sale", a sale of a motor vehicle by a retail seller to a retail buyer for a time sale price payable in two or more instalments, payment of which is secured by a retail instalment contract. The cash sale price of the motor vehicle, the amount, if any, included for insurance and other benefits, recording charges and finance charge shall together constitute the time sale price.

“Retail seller” or “seller”, a person who sells a motor vehicle to a retail buyer under or subject to a retail instalment contract.

“Sales finance company”, (1) a bank as defined in section one of chapter one hundred and sixty-seven, a national banking association, (2) any person engaged, in whole or in part, in the business of purchasing retail instalment contracts from one or more retail sellers and (3) a retail seller engaged, in whole or in part, in the business of holding retail instalment contracts acquired from retail buyers. The term “sales finance company” does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon.

Section 2. No person, other than a bank as defined in section one of chapter one hundred and sixty-seven or a national banking association, shall engage in the business of a sales finance company without first obtaining from the commissioner a license to carry on said business in the city or town where the business is to be transacted as provided herein. The application for such license shall be in writing and shall contain such information as the commissioner may, from time to time, determine. The commissioner may reject any application for a license or any application for the renewal of a license if he is not satisfied that the financial responsibility, character, reputation, integrity and general fitness of the applicant and of the owners, partners or members thereof, if the applicant be a partnership or association, and of the officers and directors, if the applicant be a corporation, are such as to command the confidence of the public and to warrant the belief that the business for which the application for a license is filed will be operated lawfully, honestly and fairly. Such license shall be for a period of one year from November first. Each license shall plainly state the name of the licensee and the city or town with the name of the street and number, if any, of the place where the business is to be carried on, and shall be posted in a conspicuous place in the office where the business is transacted. The fee for such license shall not be less than two hundred dollars. If a licensee desires to carry on business in more than one place, he shall procure a license for each place where the business is to be conducted. Such license shall not be transferable nor assignable.

Section 3. The commissioner shall, from time to time, establish rules and regulations relative to the granting of licenses and the renewal thereof, the fees to be charged therefor and the business carried on by licensees. He may, whenever he determines it to be in the public interest, investigate the affairs of a licensee and, for that purpose, shall have free access to the vaults, books and papers thereof. The commissioner may cause an examination of said books and business to be made by an accountant whom he may select, and the cost of such examination shall be paid by the licensee whose books are so examined.

Section 4. The commissioner, or such other of his assistants as he may designate, may summon a licensee, or any of his agents or employees, and such other witnesses as he deems necessary, and examine them relative to their transactions, may require the production of books and papers and, for such purposes may administer oaths. Whoever, without justifiable cause, fails or refuses to appear and testify or to produce books and papers when so required, or obstructs the commissioner or his representatives in the performance of their duties, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 5. If the commissioner refuses to issue a license, he shall notify the applicant of the denial, return the sum paid by the applicant as a license fee, less an investigation fee of fifty dollars for each application to cover the cost of investigating the applicant; and within twenty days thereafter he shall enter upon his records a written decision and findings containing the reasons supporting the denial, and shall forthwith give written notice thereof by registered mail to the applicant. Within thirty days after the date of such notice the applicant may appeal from such denial to the superior court for the county of Suffolk, sitting in equity. The court shall hear all pertinent evidence and determine the facts, and upon the facts as so determined review said denial and, as justice and equity may require, affirm the same or order the commissioner to issue such license.

Section 6. The commissioner, if he has reason to believe that any person other than a licensee has violated any of the provisions of this act, shall have the power to make such investigations as he shall deem necessary, and, to the extent necessary for this purpose, he may examine such person and shall have the power to compel the production of all relevant books, records, accounts and documents.

The state police and the police of the cities or towns shall carry out the directions of the commissioner in enforcing the provisions of this chapter and any rules or regulations made hereunder by him.

Section 7. A license may be suspended or revoked by the commissioner on the following grounds:—(1) material misstatement in application for license; (2) failure to comply with the provisions of this chapter; (3) defrauding any retail buyer to the buyer's damage; (4) fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this chapter.

If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of its license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any of his employees while acting as his agent, if such licensee after actual knowledge of said acts retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

Section 8. No license shall be suspended or revoked except after hearing thereon by the commissioner or such of his assistants as he may designate. The commissioner shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by registered mail addressed to the principal place of business in this commonwealth of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the commissioner and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail instalment contract acquired previously thereto by the

licensee. Within thirty days after such suspension or revocation the person aggrieved thereby may appeal to the superior court for the county of Suffolk, sitting in equity. The court shall hear all pertinent evidence and determine the facts, and upon the facts as so determined review said suspension or revocation and, as justice and equity may require, affirm the same or order that the commissioner rescind it.

Section 9. A retail instalment contract shall be in writing and shall be signed by both the buyer and the seller and shall be completed as to all essential provisions prior to the signing of the contract by the buyer. The printed portion of the contract shall be in at least eight point type. The contract shall contain, printed or written, in a size equal to at least ten point bold type: (1) a specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case; and (2) the following notice: "NOTICE TO THE BUYER: 1. Do not sign this contract before you read it or if it contains any blank space. 2. You are entitled to an exact copy of the contract you signed. 3. Under the law, you have the following rights, among others: — (a) to pay off in advance the full amount due and to obtain a partial refund of the finance charge; (b) to redeem the property if repossessed for a default; (c) to require, under certain conditions, a resale of the property if repossessed".

The contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or place of business of buyer as specified by the buyer, and a description of the motor vehicle, including its make, year model, model and identification numbers or marks.

The contract shall also contain the following items: — (1) the cash sale price of the motor vehicle which is the subject matter of the retail instalment sale; (2) the amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in; (3) the difference between items (1) and (2); (4) the amount, if any, included for insurance on the motor vehicle, specifying the types of coverage and coverage periods; (5) the amount, if any, included for other insurance and other benefits specifying the types of coverage and the coverage periods and separately stating each insurance premium; (6) the amount of recording charges; (7) the principal balance, which is the sum of items (3), (4) and (5); (8) the amount of the finance charge; (9) the time balance, which is the sum of items seven and eight, payable in instalments by the buyer to the seller, the number of instalments required, the amount of each instalment expressed in dollars, and the due date or period thereof; (10) the total time price; (11) a statement of delinquency charges, if any; and (12) a statement that in case of repossession and sale of such personal property for default in payment of any part of the total time price, all sums paid on account of such price and any sum remaining from the proceeds of a sale of such repossessed personal property after deducting the reasonable expenses of such repossession and sale shall be applied in reduction of such price, and that, if the net proceeds of such sale exceed the balance due on such price, the sum remaining shall be paid to the buyer. Said items need not be stated in the sequence or order set forth above. Additional items may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer.

Section 10. The amount, if any, included for insurance purchased by the holder of the retail instalment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the commissioner of insurance. If dual interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail instalment contract, send or cause to be sent to the buyer a copy of the policy or policies of insurance, written by an insurance company authorized to do business in the commonwealth. The buyer shall have the privilege of purchasing such insurance from an agent or broker of his own selection, but in such case the inclusion of the insurance premium in the retail instalment contract shall be optional with the seller. If the buyer selects his own licensed agent or broker there shall be no obligation on the seller or sales finance company to forward a copy of the policy or policies to the buyer.

If any insurance, the premium for which is part of the retail instalment contract, is cancelled, unearned insurance premium refunds received by the holder shall be credited to the final maturing instalments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.

Section 11. The holder of a retail instalment contract may, if the contract so provides, collect a delinquency and collection charge on each instalment in default for a period not less than fifteen days in an amount not in excess of five per cent of each instalment or five dollars, whichever is less.

Section 12. No retail instalment contract shall be signed by any party thereto when it contains blank spaces to be filled in after it has been signed, except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information, and the due date of the first instalment, may be inserted in the contract after its execution. The buyer's written acknowledgment, conforming to the requirements of section thirteen, of delivery of a copy of a contract shall be conclusive proof of such delivery and of compliance with this section in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract.

Section 13. The seller shall deliver to the buyer, or mail to him at his address shown on the contract, a copy of the contract signed by the seller. If the seller fails to deliver or mail to the buyer on or before the time of the delivery of the motor vehicle a copy of the contract signed by the seller, the buyer shall have the right to refuse to take delivery of the motor vehicle and shall be entitled to receive an immediate refund of all payments made and redelivery of the motor vehicle or vehicles traded in to the seller on account or in contemplation of the contract, or if said motor vehicle or vehicles so traded in have been sold by the seller in a bona fide sale, which sale shall not take place for at least ten days unless the seller has delivered to the buyer a full and complete copy of the contract as required herein, the proceeds thereof, less the expenses incurred by the seller in connection with such sale including the cost of any repairs made to such property to make it ready for sale; provided, however, that if delivery of the motor vehicle is accepted by the buyer he shall have no further right of cancellation, but shall be entitled to the benefit of penalties otherwise provided for herein. The

foregoing provisions shall not entitle a buyer to cancel an order or a contract or to receive any refund thereunder except under the circumstances set forth in the preceding sentence.

Section 14. A retail seller may charge, receive and collect a finance charge at the following rates: —

Class 1. — For any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, or a used motor vehicle of the same year which has not previously been the subject of a retail sale, not more than eight dollars per one hundred dollars per year.

Class 2. — For any new motor vehicle not in *Class 1* and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, not more than ten dollars per one hundred dollars per year.

Class 3. — For any used motor vehicle not in *Class 1* or *Class 2*, not more than twelve dollars per one hundred dollars per year.

Such finance charge shall be computed on the principal balance as determined under section nine on contracts payable in successive monthly instalments substantially equal in amount.

On contracts providing for instalments extending for a period less than or greater than one year, the finance charge shall be computed proportionately. The finance charge may be computed on the basis of a full month for any fractional month period in excess of fifteen days.

When a retail instalment contract provides for unequal or irregular instalments, the finance charge shall be no more than the effective rate provided in this section, having due regard for the schedule of instalments.

The finance charge shall be inclusive of all charges incident to investigating and making the contract, and for the extension of the credit provided for in the contract and no fee, expense or other charge whatsoever shall be taken, received, reserved or contracted for except as provided in this section and in section eleven and section seventeen and for those items expressly provided for in the retail instalment contract as set forth in section nine.

Section 15. After the payment of all sums for which the buyer is obligated under a retail instalment contract, the holder of such contract shall mail to the buyer at his last known address, good and sufficient instruments to indicate payment in full and to release all security in the motor vehicle.

Section 16. Notwithstanding the provisions of any retail instalment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail instalment contract, and in so paying such debt shall receive a refund credit thereon for such anticipation. The amount of such refund credit shall represent at least as great a proportion of the finance charge after first deducting from such finance charge an acquisition cost of twelve dollars and fifty cents as the sum of the periodic time balances after the day on which prepayment is made bears to the sum of all the periodic time balances under the schedule of instalments in the original contract. Where the amount of the credit for anticipation of payment is less than one dollar, no refund need be made.

Section 17. The holder of an instalment sale contract may extend the scheduled due date, or defer the scheduled payment of all or part of any

unpaid instalment payment or payments, or renew the unpaid time balance of such contract.

The holder may contract for, receive and collect a refinance charge for such extension, deferment or renewal. Such refinance charge shall be computed on the amount obtained by adding to the unpaid time balance of the contract the insurance cost incidental to refinancing, and by deducting any rebate computed in accordance with the provisions of section sixteen which may be due to the buyer for prepayment incidental to refinancing, at the rate of the finance charge in the original contract, for the term of the renewal contract, and subject to the provisions of this chapter governing computation of the original finance charge.

Section 18. A sales finance company may purchase a retail instalment contract from a seller on such terms and conditions and for such price as may be mutually agreed upon; and no filing of the assignment, no notice to the buyer of the assignment, and no requirement that the seller be deprived of dominion over payments upon the contract or over the vehicle if repossessed by the seller, shall be necessary to the validity of a written assignment of a retail instalment contract as against creditors, subsequent purchasers, pledgees, mortgagees or encumbrancers of the seller.

Unless the buyer has notice of actual or intended assignment of a retail instalment contract, payment thereunder made by the buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

Section 19. Upon written request from the buyer, the holder of a retail instalment contract shall give or forward to the buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. The buyer shall be entitled to only one such statement in any six-month period free of charge. The holder shall be entitled to the sum of fifty cents for each additional written statement requested by the buyer before supplying such additional written statement. A buyer shall be given a written receipt for each cash payment.

Section 20. A provision in a retail instalment contract (1) for confession of judgment, power of attorney therefor, or wage assignment; (2) for the subsequent inclusion of title to or a lien upon any goods, other than the motor vehicle which is the subject matter of the retail instalment sale or accessories therefor or special or auxiliary equipment used in connection therewith, or in substitution, in whole or in part, for any such accessory or special or auxiliary equipment, as security for payment of the total time price; (3) whereby, in the absence of the buyer's default, the holder may accelerate the maturity of any part or all of the time balance; (4) whereby a seller or holder of the contract, or other person acting on his behalf, is authorized to enter the buyer's premises unlawfully, or to commit any breach of the peace in the repossession of a motor vehicle; (5) whereby the buyer waives any right of action against the seller or holder of the contract, or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of the motor vehicle; (6) whereby the buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of the motor vehicle; or (7) whereby the seller is

relieved from liability for any legal remedies which the buyer may have had against the seller under the contract, or any separate instrument executed in connection therewith, shall not be enforceable.

Section 21. Whoever violates any provision of this chapter or any rule or regulation made thereunder by the commissioner shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 22. A violation of sections nine to fourteen, inclusive, or eighteen to twenty, inclusive, by any person shall bar his recovery of any finance charge, delinquency or collection charge or refinancing charge on the retail instalment contract involved.

Section 23. Any waiver of the provisions of this chapter shall be unenforceable and void.

Section 24. If any provision of this chapter or the application thereof to any person or circumstance is held unconstitutional, the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 2. Section 12 of chapter 255 of the General Laws, as most recently amended by section 10 of chapter 765 of the acts of 1957, is hereby further amended by adding at the end the following sentence: — This section and sections twelve A, twelve B, thirteen and thirteen B shall not apply to retail instalment contracts as defined in section one of chapter two hundred and fifty-five B.

SECTION 3. Section 12B of said chapter 255, as most recently amended by section 12 of said chapter 765, is hereby further amended by inserting after the word "vehicles", in the second sentence, the words: —, other than motor vehicles as defined in section one of chapter two hundred and fifty-five B.

Approved October 21, 1958.

CHAP. 675. AN ACT INCREASING THE SALARIES OF THE JUSTICES OF CERTAIN DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 77A, as most recently amended by section 2 of chapter 738 of the acts of 1956, and inserting in place thereof the following section: — *Section 77A.* The salaries of the justices of the

first district court of Barnstable,
district court of central Berkshire,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
district court of Lawrence,
first district court of Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Peabody,
district court of Springfield,
district court of western Hampden,
district court of Hampshire,
first district court of eastern Middlesex,

second district court of eastern Middlesex,
third district court of eastern Middlesex,
first district court of southern Middlesex,
district court of Lowell,
district court of central Middlesex,
first district court of northern Middlesex,
district court of Somerville,
municipal court of Brookline,
district court of northern Norfolk,
district court of East Norfolk,
district court of western Norfolk,
district court of Brockton,
municipal court of the Brighton district,
municipal court of the Charlestown district,
district court of Chelsea,
municipal court of the Dorchester district,
East Boston district court,
municipal court of the Roxbury district,
municipal court of the South Boston district,
municipal court of the West Roxbury district,
central district court of Worcester,
first district court of northern Worcester, and
district court of Fitchburg

shall be fourteen thousand dollars each. The justices of said courts shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Each of said justices shall sit in his own court and, in addition, perform such other duties as district court justices as the administrative committee may from time to time assign to him.

Whenever a justice of a district court in one county, who is required to devote his full time to his duties, shall sit by assignment of the administrative committee in a district court in another county, such other county shall reimburse the first county on a pro rata basis for the salary of such justice for the time that he sits in such other county, and for his expenses thereby incurred.

Except in the municipal court of the city of Boston, the second district court of Barnstable, the district court of Dukes county and the district court of Nantucket, no special justice, and no justice other than a full-time justice, shall hear and determine any civil cases other than supplementary proceedings, summary process, small claims, and proceedings relating to juveniles and insane persons in any district court without the authorization of the administrative committee of the district courts. The administrative committee shall give such authorization for specified limited periods of time in specified district courts and only as the public convenience may require, and may give such authorization by general rule applicable to the hearing and determination of interlocutory proceedings, or whenever full-time justices assigned to hear such civil cases are absent or otherwise unable to sit. No such authorization shall be required for the rehearing of matters of law arising in civil causes by any justice assigned to the appellate division of a district court.

SECTION 2. Said chapter 218 is hereby further amended by striking out section 78, as most recently amended by section 3 of said chapter 738,

and inserting in place thereof the following section: — *Section 78.* The salary of the justice of the district court of Newton shall be eighty-four hundred dollars.

The salary of the justice of the
fourth district court of eastern Middlesex
shall be seventy-six hundred dollars.

The salary of the justice of each of the following district courts
second district court of Plymouth,
district court of Holyoke,
first district court of southern Worcester,
shall be seven thousand dollars;

the salary of the justice of each of the following district courts
district court of eastern Essex,
district court of Newburyport,
district court of Chicopee,
district court of Franklin,
shall be sixty-five hundred dollars;

the salary of the justice of each of the following district courts
fourth district court of Plymouth,
district court of Marlborough,
third district court of Plymouth,
shall be fifty-nine hundred dollars;

the salary of the justice of each of the following district courts
district court of Leominster,
district court of northern Berkshire,
district court of Natick,
district court of southern Norfolk,
district court of western Worcester,
third district court of southern Worcester,
district court of eastern Hampden,
second district court of eastern Worcester,
second district court of Essex,
second district court of southern Worcester,
fourth district court of Berkshire,
first district court of eastern Worcester,
district court of eastern Hampshire,
district court of southern Berkshire,

shall be fifty-six hundred and forty dollars;
the salary of the justice of each of the following district courts
second district court of Barnstable,
district court of Lee,
third district court of Essex,
district court of Winchendon,
district court of eastern Franklin,
district court of Williamstown,

shall be forty-nine hundred dollars.

The salary of the justice of the
district court of Dukes County
shall be fifty-three hundred and forty dollars
and the salary of the justice of the
district court of Nantucket
shall be fifty-three hundred dollars.

SECTION 3. Notwithstanding any provisions of this act to the contrary the provisions of sections seventy-seven A and seventy-eight of chapter two hundred and eighteen of the General Laws in effect immediately prior to the effective date of this act shall remain in effect and apply to appointments to the offices referred to therein which are made on or after August first, nineteen hundred and fifty-eight.

SECTION 4. This act shall take effect as of July first, nineteen hundred and fifty-eight.

Approved October 21, 1958.

CHAP. 676. AN ACT INCREASING THE NUMBER OF COURT OFFICERS WHO MAY BE APPOINTED IN THE SUPERIOR COURT FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Section 70 of chapter 221 of the General Laws is hereby amended by striking out the fifth paragraph, as appearing in chapter 697 of the acts of 1957, and inserting in place thereof the following paragraph: —

For Middlesex, not exceeding four for each session for civil business held with juries; three for each session held without juries, and six for the session for criminal business, who shall, when required by the sheriff, attend the sessions of the supreme judicial or probate court when not in attendance on the superior court.

Approved October 21, 1958.

CHAP. 677. AN ACT LIBERALIZING THE ELIGIBILITY PROVISIONS OF THE EMPLOYMENT SECURITY LAW AND PROVIDING THAT CERTAIN PERSONS WHO LEAVE THEIR WORK SHALL NOT BE DISQUALIFIED FROM RECEIVING BENEFITS UNDER SAID LAW.

Be it enacted, etc., as follows:

Section 25 of chapter 151A of the General Laws is hereby amended by striking out subsection (e), as most recently amended by section 4 of chapter 719 of the acts of 1956, and inserting in place thereof the following subsection: — (e) A period of four to ten weeks, as the director shall determine, after the effective date of his claim if an individual has left his work (1) voluntarily without good cause, (2) by discharge shown to the satisfaction of the director to be attributable solely to deliberate misconduct in wilful disregard of the employing unit's interest, or (3) because of conviction of a felony or misdemeanor; provided, however, that if the individual had new work subsequent to such leaving, the number of weeks determined by the director as the period during which no waiting period shall be allowed and no benefits paid shall be reduced by the number of weeks of such new work. No disqualification shall be imposed, if such individual establishes to the satisfaction of the director that he left his employment in good faith to accept new employment on a permanent full-time basis, and that he became separated from such new employment for good cause attributable to the new employing unit. An individual shall not be disqualified under the provisions of this subsection from receiving benefits by reason of leaving his work under the terms of a pension program requiring retirement from employment, notwithstanding his prior assent, direct or indirect, to the establishment of such pension program.

Approved October 21, 1958.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, October 27, 1958.

The Honorable EDWARD J. CRONIN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Foster Furcolo, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 677 of the Acts of 1958, entitled, "An Act Liberalizing the Eligibility Provisions of the Employment Security Law and Providing that Certain Persons who Leave their Work Shall Not be Disqualified from Receiving Benefits Under said Law" and the enactment of which received my approval on October 21, 1958, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will unnecessarily delay filing of initial claims under the liberalized provisions of said act.

Very truly yours,

FOSTER FURCOLO,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 27, 1958.

I, Francis X. Ahearn, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and seventy-seven of the acts of nineteen hundred and fifty-eight.

FRANCIS X. AHEARN,
Deputy Secretary of the Commonwealth.

CHAP. 678. AN ACT PROHIBITING THE SOLICITATION, ACCEPTANCE OR PAYMENT OF MONEY FOR THE PURPOSE OF ENCOURAGING OR DISCOURAGING THE FORMATION OR FUNCTIONING OF A LABOR ORGANIZATION.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 20C the following section: — *Section 20D.* No employer and no person retained or engaged by him as a labor relations expert, adviser or consultant or retained or engaged by such employer for the purpose of dealing or negotiating with any of his employees or with any labor organization representing or seeking to represent or organize such employees shall, himself or by his agent, pay or deliver or agree to pay or deliver, directly or indirectly, to any employee or to any group or committee of employees, nor shall any employee or labor union official solicit or accept from any employer or any person so retained or engaged by him, or his agent, any money or other thing of

value for the purpose of encouraging or discouraging, or in any way interfering with, any employee or employees in exercising their rights to organize or to select a representative, or for the purpose of preventing the continued existence, operation or functioning of a labor organization; provided, however, that this section shall not apply to the payment of wages by such employer to an employee who is a union representative, to any payment for the purchase of goods at the prevailing market price from a union representative, to the payment of any debt, to the transfer of union dues properly withheld from the salaries or wages of employees, to payments to employees' trust or welfare funds, or to payments of salaries or fees to an employee, representative or agent for the performance of any lawful activity with respect to the expression of views or opinions in connection with pending employee elections or labor disputes or other matters involving relations between such employer and his employees. Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment in jail for not more than one year, or both.

Approved October 21, 1958.

CHAP. 679. AN ACT TO REDEFINE CORPORATE EXCESS.

Be it enacted, etc., as follows:

SECTION 1. Section 30 of chapter 63 of the General Laws is hereby amended by striking out paragraph 3 and inserting in place thereof the following paragraph: —

3. "Corporate excess", in the case of a domestic business corporation, except as hereinafter provided, the fair value of its capital stock on the last day of the taxable year as defined in paragraph numbered six of this section, less the following: —

(a) The value on the last day of the taxable year of the works, structures, real estate, motor vehicles, trailers, machinery, poles, underground conduits, wires and pipes owned by it within the commonwealth subject to local taxation, except such part of said real estate as represents the interest of a mortgagee. The term "real estate" as used in this subdivision and in subdivision (a) of paragraph four of this section shall include the corporation's interest as lessee in such buildings on land held under a lease as by the terms of the lease are the property of and may be removed by the lessee, and such buildings, for the purposes of said subdivisions and of sections fifty-five and sixty-eight A, shall not be deemed real estate of the lessor. For purposes of the deduction of the value of motor vehicles and trailers under this subdivision, the value of such motor vehicles and trailers as determined in accordance with chapter sixty A shall be used.

(b) The average daily value of securities, the income of which, if any, if received by a natural person resident in this commonwealth, would not be liable to taxation, except shares in national banks and voluntary associations, trusts and partnerships. The term "average daily value" as used in this subdivision and in subdivision (b) of paragraph four of this section shall be the sum of the value of such securities held on each day of the taxable year divided by the number of days in such year.

(c) The value on the last day of the taxable year of its real estate, machinery, merchandise and other tangible property situated in another

state or country, except such part thereof as represents the interest of a mortgagee.

(d) If, on the last day of the taxable year, any portion of its cash and accounts and bills receivable, excluding notes, is attributable to an office outside the commonwealth, the same proportion of its cash and accounts and bills receivable, excluding notes, which its real estate, machinery and merchandise situated in another state or country on the last day of the taxable year bear to its total real estate, machinery and merchandise on the last day of the taxable year, to the extent that such proportion fairly represents, in the judgment of the commissioner, the amount which is properly allocable to such other state or country.

SECTION 2. Said section 30 of said chapter 63 is hereby further amended by striking out paragraph 4 and inserting in place thereof the following paragraph: —

4. "Corporate excess employed within the commonwealth", by a foreign corporation, except as hereinafter provided, such proportion of the fair value of its capital stock on the last day of the taxable year as defined in paragraph six of this section, as the value of the assets, both real and personal, employed in any business within the commonwealth on that date, after deducting therefrom the items referred to in (a) and (b) following, bears to the value of the total assets of the corporation on said date:

(a) The value on the last day of the taxable year of the works, structures, real estate, motor vehicles, trailers, machinery, poles, underground conduits, wires and pipes owned by it within the commonwealth subject to local taxation, except such part of said real estate as represents the interest of a mortgagee. For purposes of the deduction of the value of motor vehicles and trailers under this subdivision, the value of such motor vehicles and trailers as determined in accordance with chapter sixty A shall be used.

(b) The average daily value of securities held in the commonwealth, the income of which, if any, if received by a natural person resident therein, would not be liable to taxation, except shares in national banks, voluntary associations, trusts and partnerships. In determining the proportion of assets employed within the commonwealth, the commissioner may include such bank deposits in other states as are employed principally in the conduct of the business in the commonwealth.

SECTION 3. This act shall take effect with respect to taxable years commencing after December thirty-first, nineteen hundred and fifty-seven.

Approved October 21, 1958.

CHAP. 680. AN ACT REGULATING THE CONVEYANCE OF LAND ACQUIRED BY EMINENT DOMAIN BY ONE CITY OR TOWN WITHIN THE LIMITS OF ANOTHER CITY OR TOWN.

Be it enacted, etc., as follows:

Section 15 of chapter 40 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following paragraph: —

No land heretofore or hereafter acquired by eminent domain by one city or town within the limits of another city or town shall be conveyed under this section unless the mayor or selectmen authorized to convey such land offer to convey such land to the city or town wherein such

land lies for the minimum amount specified as aforesaid, nor unless such offer is not accepted within six months after notice thereof is given to the mayor or selectmen of the city or town wherein such land lies by the mayor or selectmen authorized to convey, nor unless such conveyance is made within three months after the expiration of said six months. Land so offered to a city or town wherein it lies may be purchased by such city or town whether or not needed for the municipal purposes of such city or town, and, if so purchased and if such land is not needed for municipal purposes, it shall be disposed of as such city or town shall determine.

Approved October 21, 1958.

CHAP. 681. AN ACT PROVIDING THAT THE COMMONWEALTH SHALL AGREE TO INDEMNIFY CONTRACTORS FOR CERTAIN DAMAGES SUSTAINED BY THEM IN CONNECTION WITH THE CONSTRUCTION OF PUBLIC WAYS.

Be it enacted, etc., as follows:

Chapter 30 of the General Laws is hereby amended by inserting after section 39G the following section: — *Section 39H.* Every contract entered into by or on behalf of the commonwealth for the construction, reconstruction or alteration of a public way shall contain a provision whereby the commonwealth agrees to indemnify the contractor against loss by reason of the liability to pay damages to others for entry upon any land included within the boundaries of the area within which the work is to be performed as set forth in the construction contract and the plans and specifications applying to such contract or any approved alteration thereof or for damage sustained upon any lands adjoining said land by reason of the flowage or drainage of water thereto or therefrom, in any case wherein such damages result from the failure of the commonwealth to take an interest or easement in such adjoining area, provided that the commonwealth acting by an authorized representative thereof, has issued a notice in writing to the contractor prior to the making of an entry upon such premises directing or permitting him to proceed with his contract and to make such entry upon the premises for the purpose of performing the work required by said contract, or any approved alteration thereof, and provided, further, that the contractor has given notice in writing to the contracting authority within fifteen days after receiving notice of any claim to come in and settle the same and upon the commencement of any action against him to come in and defend said action, but in no event shall any such damage claim be compromised or adjusted without the written consent of the commonwealth. The provisions of this section shall in no way relieve the contractor from any liability for damage to property of others caused by his negligence or that of his employees nor shall they be construed to require the commonwealth to indemnify the contractor against any loss resulting from such acts of negligence. *Approved October 21, 1958.*

CHAP. 682. AN ACT INCORPORATING THE MASSACHUSETTS STATE COLLEGES DORMITORY CORPORATION FOR THE PURPOSE OF PROVIDING SELF-AMORTIZING DORMITORY FACILITIES AT ALL STATE INSTITUTIONS OF HIGHER LEARNING EXCEPT THE UNIVERSITY OF MASSACHUSETTS AND THE LOWELL TECHNOLOGICAL INSTITUTE OF MASSACHUSETTS THROUGH THE SALE OF REVENUE BONDS.

Be it enacted, etc., as follows:

SECTION 1. Foster Furcolo, Alice M. Lyons, Alexander Brin, Stuart Macmillan, William E. Park, William F. Looney, Martin F. O'Connor, Edward J. Scanlon, Clement C. Maxwell, Frederick Meiers, Eugene A. Sullivan, Ralph F. Weston, Eugene Freeland, Daniel H. O'Leary, Gordon L. Reynolds, Leslie B. Coombs, John E. Foster, and their successors, are hereby constituted a body corporate under the name of Massachusetts State Colleges Dormitory Corporation for the purpose of constructing, equipping and maintaining buildings for dormitories connected with all state-operated institutions of higher learning.

No funds of said corporation shall be distributed among its own members other than those employed by it, but all such funds shall be devoted solely to the carrying out of the purposes for which said corporation is created except the University of Massachusetts and the Lowell Technological Institute of Massachusetts.

SECTION 2. Said corporation shall have authority to hold for the purpose aforesaid real and personal estate to an amount not exceeding four million dollars.

SECTION 3. The incorporators named in section one and their successors shall constitute the members of said corporation and its board of directors. Whenever a vacancy shall occur in said membership and board the remaining members and directors shall fill such vacancy.

SECTION 4. Said directors shall appoint a president, a treasurer, a clerk and such other officers as they may deem necessary, and may prescribe their duties, and may require the treasurer to give bond with satisfactory sureties in such sum as in their discretion they may deem wise and expedient.

SECTION 5. Said corporation may make by-laws consistent with law.

SECTION 6. The principal office of the corporation shall be located in the city of Boston. The corporation may have such offices in such other places within the commonwealth as may be fixed by the board of directors.

SECTION 7. The trustees of said state institutions, or the governing officials of said institutions if there are no trustees, may, in the name of and for the commonwealth, lease to said corporation land located in or near said institutions owned by the commonwealth, for the erection and maintenance of dormitories for the use of said institutions or its students. No such lease shall become operative until it is approved by the governor and council. Such leases may provide that any buildings erected on such land shall remain the property of said corporation except as hereinafter provided. Any building so leased shall become the property of the commonwealth upon the payment in full of all obligations incurred hereunder by said corporation with respect to such buildings. No property or income of said corporation shall be subject to local or state taxation. Said trustees or other governing officials as aforesaid

may, in the name of and for the commonwealth, take leases of any buildings or real estate owned by said corporation for dormitory use.

SECTION 8. Said corporation may borrow money and issue bonds therefor, and may pledge as security for their payment the rentals receivable under any lease made by said corporation to said trustees, as hereinbefore provided. Such bonds, if secured by a pledge of such rentals sufficient in amount to meet the principal and interest of such bonds, shall be legal investments for savings banks in this commonwealth and for domestic life insurance companies, and the income therefrom shall be exempt from taxation in this commonwealth.

SECTION 9. The purposes of the corporation shall be to maintain, construct and equip dormitories at all state-operated institutions of higher learning.

In furtherance of such purposes and in addition to the powers conferred on business corporations by the provisions of the General Laws specified in section one, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers: —

(a) To elect, appoint and employ officers, agents and employees; to make contracts and incur liability for any of the purposes of the corporation.

(b) To raise money for any of the purposes of the corporation by borrowing and to issue for such borrowing its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein.

(c) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(d) To receive money or other property, tangible or intangible, real, personal or mixed, by gift, bequest, devise, or otherwise.

(e) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

SECTION 10. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a treasurer, a clerk, and such other officers and such agents as the corporation by its by-laws shall authorize. The board of directors shall consist of such number, not less than fifteen or more than fifty, as shall be determined in the first instance by the incorporators and thereafter annually by the members of the corporation. The by-laws may provide for the classification of directors and for the classification of members entitled to vote therefor; provided, that each member shall be entitled to vote for the directors of at least one class. The board of directors may exercise all the powers of the corporation except such as are conferred by law.

or by the by-laws of the corporation upon the members, and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director, which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at each annual meeting by the members of the corporation, or, if no annual meeting shall be held in any year at the time fixed by the by-laws, at a special meeting held in lieu of the annual meeting. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified, unless sooner removed in accordance with the provisions of the by-laws. Any vacancy in the office of a director shall be filled by the directors.

Directors and officers shall not be responsible for losses of the corporation or liable for the payment of any sum of money or for damages or otherwise on account of any contract or obligation of the corporation except in case of the wilful misconduct of such directors and officers.

SECTION 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 12. The corporation shall make an annual report of its condition to its members and shall file a copy thereof in the office of the secretary of the commonwealth.

SECTION 13. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors, and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Ten of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the secretary of the commonwealth, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and said corporation shall then be authorized to commence business.

SECTION 14. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes based upon or measured by income which may be hereafter enacted whether by the commonwealth or any subdivision thereof; and the securities and evidences of indebtedness issued by the corporation es-

established under the provisions of this act, their transfer, and income therefrom, and deposits of financial institutions invested therein, shall at all times be free from taxation within the commonwealth.

Any holder of any securities or evidence of indebtedness who realizes a loss from the sale, redemption or other disposition of any securities or evidences of indebtedness of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such holder, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations, as referred to in section two of chapter sixty-three of the General Laws.

SECTION 15. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the bonds, debentures, notes, evidences of indebtedness, or any other securities, of this corporation.

SECTION 16. The period of duration of the corporation shall be fifty years, subject, however, to the right of the members to dissolve the corporation prior to the expiration of said period as provided in section seventeen.

SECTION 17. The corporation may, upon the affirmative vote of two thirds of the votes to which the members shall be entitled, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the corporation the corporation's assets shall be distributed as directed by the court which ordered such dissolution.

SECTION 18. If the corporation shall fail to commence business within three years from the effective date of this act, then this act shall become null and void.

SECTION 19. Under no circumstances is the credit of the commonwealth pledged herein.

SECTION 20. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 21. It is hereby declared to be the policy of the corporation to eliminate the causes of certain substantial obstructions to the free flow of industry and trade and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

The corporation shall have authority to bargain collectively with labor organizations representing employees of the corporation and to enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances of such employees. The employees of the corporation shall submit all grievances and disputes to arbitration pursuant to the arbi-

tration provisions in agreements existing at the time of this act or subsequently entered into with the corporation or in the absence of such provisions to the state board of conciliation and arbitration, or other board or body having similar powers and duties, whose decision shall be final and binding.

The provisions of sections twenty-six to twenty-nine, inclusive, of chapter one hundred and forty-nine of the General Laws, and the provisions of sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine of the General Laws and the provisions of sections thirty-nine F and thirty-nine G of chapter thirty are hereby made applicable to the corporation.

The provisions of this section twenty-one shall also be applicable to the University of Massachusetts Building Association and to the construction of buildings for dormitories by separate corporations at all other state operated institutions of higher learning including the Lowell Technological Institute of Massachusetts. *Approved October 21, 1958.*

CHAP. 683. AN ACT AUTHORIZING THE TOWN OF SHERBORN TO REFUND A PORTION OF THE REAL ESTATE AND PERSONAL PROPERTY TAXES ASSESSED IN THE YEAR NINETEEN HUNDRED AND FIFTY-SEVEN.

Be it enacted, etc., as follows:

SECTION 1. The town of Sherborn, through its treasurer and collector of taxes, is hereby authorized to refund to each taxpayer, upon or after the payment by such taxpayer of the tax bill for real or personal property issued for the year nineteen hundred and fifty-seven, an amount equal to six dollars and forty-six cents for each one thousand dollars of the assessed valuation of his property.

SECTION 2. This act shall take effect upon its passage.

Approved October 22, 1958.

RESOLVES.

CHAP. 1. RESOLVE VALIDATING THE ACTS OF MARY E. JOHNSON AS A NOTARY PUBLIC.

Resolved, That the acts of Mary E. Johnson of Quincy as a notary public between July seventeenth, nineteen hundred and fifty-two and November eighth, nineteen hundred and fifty-seven, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Mary E. Hooley, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved February 3, 1958.

CHAP. 2. RESOLVE IN FAVOR OF PERCIVAL H. MOSHER.

Resolved, That, for the purpose of promoting the public good, and in consideration of his long and meritorious service as an employee of the metropolitan district commission, there shall be allowed and paid out of the state treasury, subject to appropriation from the metropolitan district commission funds, to Percival H. Mosher of Boston, fifteen hundred dollars per annum for a period of three years beginning July first, nineteen hundred and fifty-nine, payable in equal monthly installments. No payment shall be made hereunder until there is filed with the comptroller an agreement signed by said Percival H. Mosher that the amount, if any, paid or to be paid for legal service in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved February 4, 1958.

CHAP. 3. RESOLVE IN FAVOR OF WILLIAM A. WILL OF MILTON.

Resolved, That, for the purpose of discharging a moral obligation, and after appropriation has been made therefor, there shall be allowed and paid out of the state treasury to William A. Will of Milton, formerly an employee of the department of public works, the sum of three hundred dollars for overtime credit accumulated by him before his retirement. No payment shall be made hereunder until there is filed with the comptroller an agreement signed by said William A. Will that the amount, if any, paid or to be paid for legal services in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved February 4, 1958.

CHAP. 4. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION RELATIVE TO CERTAIN MATTERS PERTAINING TO THE BLIND.

Resolved, That the unpaid special commission, established by chapter twenty-two of the resolves of nineteen hundred and fifty-five, and most recently continued by chapter twenty-five of the resolves of nine-

teen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study of matters pertaining to blind persons in the commonwealth.

Said commission shall be provided with quarters in the state house or elsewhere, may travel within and without the commonwealth, and may expend for clerical and other assistance and expenses the unexpended balance available in item 0256-01 of section two of chapter seven hundred and eighty-four of the acts of nineteen hundred and fifty-five, item 0256-01 of section two of chapter six hundred and eighty-eight of the acts of nineteen hundred and fifty-six, and such other sums as may have been or may be appropriated therefor.

Said commission shall report to the general court the results of its investigation and study hereunder, and its recommendations, together with drafts of legislation necessary to carry such recommendations into effect, by filing one or more reports with the clerk of the house of representatives at such time or times as the commission may elect; provided, that the commission shall so file its final report on or before the last Tuesday in December, nineteen hundred and fifty-eight.

Approved February 5, 1958.

CHAP. 5. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO GIFTS TO MINORS AND RELATIVE TO THE INCLUSION, UNLESS EXPRESSLY RESERVED OR EXCEPTED, OF ALL RIGHTS OF THE GRANTOR IN THAT PART OF ANY STREET, ROAD OR WAY IN ANY INSTANCE OF GRANT OR CONVEYANCE OF ABUTTING LAND.

Resolved, That the judicial council be requested to investigate the subject matter of current senate documents numbered 386, relative to gifts to minors, and 389, relative to providing for the inclusion, unless expressly reserved or excepted, of all rights of the grantor in that part of any street, road or way in any instance of grant or conveyance of abutting land, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 10, 1958.

CHAP. 6. RESOLVE IN FAVOR OF THE KIRKLAND ASSOCIATES.

Resolved, For the purpose of discharging a moral obligation of the commonwealth, and after appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Kirkland Associates the sum of three hundred and fifty dollars, for stenographic services rendered by said Kirkland Associates in a hearing before a special commission on July twenty-second and August fifth, nineteen hundred and fifty-two, relative to the dismissal of Thomas Crehan from the nursing service of the Boston state hospital. No payment shall be made hereunder until there is filed with the comptroller an agreement signed by said Kirkland Associates that the amount, if any, paid or to be paid for legal services in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved February 10, 1958.

- CHAP. 7. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ALLOWING PERSONS OTHER THAN ATTESTING WITNESSES TO TESTIFY AS TO THE SANITY OF A TESTATOR.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1661, relative to allowing persons other than attesting witnesses to testify as to the sanity of a testator, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 10, 1958.

- CHAP. 8. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO CLARIFYING THE LAW RELATIVE TO DOWER AND CURTESY IN PROPERTY HELD IN JOINT TENANCY, AND RELATIVE TO ESTABLISHING A PART OWNERSHIP IN REAL PROPERTY ON THE BASIS OF A TENANCY BY THE ENTIRETY AS BEING SUFFICIENT TO CONSTITUTE SURETY FOR BAIL.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 666, relative to clarifying the law relative to dower and curtesy in property held in joint tenancy; and of current house document numbered 967, relative to establishing a part ownership in real property on the basis of a tenancy by the entirety as being sufficient to constitute him surety for bail, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 10, 1958.

- CHAP. 9. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO CLARIFYING THE REQUIREMENT FOR NOTICE BY EXECUTORS TO DEVISEES AND LEGATEES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1662, relative to clarifying the requirement for notice by executors to devisees and legatees, and to include its conclusions and its recommendations in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 11, 1958.

- CHAP. 10. RESOLVE IN FAVOR OF DENNIS J. HORGAN.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth and subject to appropriation, there shall be paid from the state treasury to Dennis J. Horgan of Three Rivers, in the town of Palmer, the sum of two hundred and fifty dollars, in reimbursement for cigarette excise paid on a certain stock of cigarettes which was destroyed by reason of the floods occasioned by the heavy rains of August, nine-

teen hundred and fifty-five, notwithstanding the fact that the said Dennis J. Horgan failed to file his claim for reimbursement of said excise prior to the time limit set by law for filing such claims.

Approved February 17, 1958.

- CHAP. 11. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REQUIRING NOTICE TO INTERESTED PARTIES PRIOR TO THE ALLOWANCE OF PETITIONS FOR ADVANCEMENTS TO WIDOWS OR TO MINOR CHILDREN.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 665, relative to requiring notice to interested parties prior to the allowance of petitions for advancements to widows or to minor children, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 17, 1958.

- CHAP. 12. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ENLARGING THE SCOPE OF JUDICIAL REVIEW UNDER THE WORKMEN'S COMPENSATION ACT.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered nine hundred and forty-five, relative to enlarging the scope of judicial review under the workmen's compensation act, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 17, 1958.

- CHAP. 13. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROTECTING LAND TITLES AGAINST THE EFFECTS OF CERTAIN REFERENCES.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered three hundred and eighty-seven, relative to protecting land titles against the effects of certain references, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 17, 1958.

- CHAP. 14. RESOLVE ESTABLISHING AN UNPAID SPECIAL COMMISSION TO STUDY THE FEASIBILITY OF PROVIDING A METHOD FOR THE PAYMENT OF CERTAIN DAMAGES OCCASIONED BY DRILLING AND BLASTING OPERATIONS CONDUCTED BY OR FOR THE COMMONWEALTH.

Resolved, That an unpaid special commission, consisting of two members of the senate to be designated by the president thereof, four

members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established to make a survey and study of the feasibility of providing a method of payment for damages occasioned to houses and other structures because of drilling and blasting operations conducted by or for the commonwealth. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, may call on state officials and department heads for advice and assistance, may travel within the commonwealth, and may expend for expert, clerical and other services, and for expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the last Tuesday of December in the current year.

Approved February 25, 1958.

CHAP. 15. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO MAKING CHARITABLE CORPORATIONS LIABLE FOR THE TORTIOUS ACTS OF THEIR EMPLOYEES WHILE IN THE PERFORMANCE OF DUTIES FROM WHICH SUCH CORPORATIONS DERIVE A PROFIT.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1963, relative to making charitable corporations liable for the tortious acts of their employees while in the performance of duties from which such corporations derive a profit, and to include its conclusions and its recommendations in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 28, 1958.

CHAP. 16. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO CHANGING THE TIME FOR COMMENCING ACTIONS TO RECOVER LAND AND FOR MAKING ENTRIES THEREON TO TWENTY-FIVE YEARS IN CERTAIN CASES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1995, relative to changing the time for commencing actions to recover land and for making entries thereon to twenty-five years in certain cases, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 28, 1958.

CHAP. 17. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE ADVISABILITY OF THE ACQUISITION OF A BUILDING IN THE SPRINGFIELD AREA TO HOUSE VARIOUS BRANCHES OF THE STATE DEPARTMENTS; OF THE ACQUISITION OF A GOVERNOR'S MANSION; OF THE CONSTRUCTION OF A PUBLIC WORKS BUILDING IN THE CITY OF NORTHAMPTON; AND OF THE ACQUISITION OF A STATE OFFICE BUILDING IN THE CITY OF WORCESTER.

Resolved, That the unpaid special commission established by chapter one hundred and fifty-one of the resolves of nineteen hundred and fifty-six, and most recently revived and continued by chapter twenty-four of the resolves of nineteen hundred and fifty-seven, and the scope of which was increased by chapters sixty-four, one hundred and thirty-two and one hundred and fifty-one of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of making an investigation and study relative to the advisability of purchasing, leasing or erecting a building in the Springfield area to house the various branches of the state departments in that area; of the rental, acquisition or erection, equipping and maintenance of a governor's mansion; of the construction by the department of public works of a public works building in the city of Northampton; and of a state office building in the city of Worcester to be located on the site of the Salem square redevelopment project.

Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may travel within the commonwealth, and may expend for clerical and other services and expenses the balance available in item 0257-21 of section two of chapter seven hundred and forty-six of the acts of nineteen hundred and fifty-six and such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday in December, nineteen hundred and fifty-eight.

Approved February 28, 1958.

CHAP. 18. RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION TO BE HELD IN THE CITY OF BRUSSELS, BELGIUM, IN THE CURRENT YEAR.

Resolved, That, in order that the commonwealth may be properly represented on the occasion of the Brussels Universal and International Exhibition to be held in the city of Brussels, Belgium, in the current year, six persons, four of whom shall be women, shall be designated as delegates to represent the commonwealth at said exhibition. Said delegates shall be selected on the basis of scholarship and leadership by a committee consisting of the presidents of Harvard University, Boston College and Brandeis University from a list of nominees submitted as hereinafter provided. Each college and university in the commonwealth shall submit to said committee as its nominees the names of three

undergraduate students who are and have been for the previous five years residents of the commonwealth and who shall be between the ages of nineteen and twenty-five and who shall have no dependents. Said delegation may expend for travelling and living expenses while en route to and from Brussels and while at Brussels, such sums, subject to the approval of the governor and council, as may be appropriated therefor.

Approved February 28, 1958.

CHAP. 19. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE CREATION AND TERMINATION OF AGENCY AND OTHER FIDUCIARY POWERS IN TIME OF ATOMIC EMERGENCY.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1987, relative to the creation and termination of agency and other fiduciary powers in time of atomic emergency, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 28, 1958.

CHAP. 20. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO IMPOSING LIABILITY UNDER CERTAIN CONDITIONS ON THE OWNER OF PROPERTY ABUTTING ON A PUBLIC WAY.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1636, relative to imposing liability on an abutting owner under certain conditions, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 28, 1958.

CHAP. 21. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO IMPOSING A PENALTY FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF NARCOTIC DRUGS.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 104, relative to imposing a penalty for operating a motor vehicle while under the influence of narcotic drugs, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved February 28, 1958.

CHAP. 22. RESOLVE VALIDATING THE ACTS OF JEAN B. ROBILLARD AS A NOTARY PUBLIC.

Resolved, That the acts of Jean B. Robillard of Springfield as a notary public between January fifth, nineteen hundred and fifty-two and December twenty-seventh, nineteen hundred and fifty-seven, both dates

inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Jean B. Bradish, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved February 28, 1958.

CHAP. 23. RESOLVE IN FAVOR OF CHARLES L. ARCHDEACON.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth and subject to appropriation, there shall be paid from the state treasury the sum of seven hundred dollars to Charles L. Archdeacon of Winthrop for personal injuries caused by a fall due to a defective step in Winthrop Shore Reservation, under the control of the metropolitan district commission, at Cliff avenue in Winthrop on May twenty-third, nineteen hundred and fifty-five. No payment shall be made hereunder until there is filed with the comptroller an agreement signed by said Charles L. Archdeacon that the amount, if any, paid or to be paid for legal services in connection with the passage of this resolve shall not exceed ten per cent of said sum. *Approved March 7, 1958.*

CHAP. 24. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE CARE AND PROTECTION OF CHILDREN.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1487, relative to the care and protection of children, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved March 7, 1958.*

CHAP. 25. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF LABOR AND INDUSTRIES RELATIVE TO PROVIDING FOR THE HEALTH AND SAFETY OF PERSONS UNLOADING VESSELS IN THE PORTS OF THE COMMONWEALTH AND CERTAIN RELATED MATTERS.

Resolved, That the department of labor and industries is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 189, relative to providing for the health and safety of persons loading and unloading vessels in the ports of the commonwealth; and of current house document numbered 220, relative to providing for the establishment of safety standards relative to the design, function and use of equipment used in the loading and unloading of vessels.

Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved March 7, 1958.

- CHAP. 26. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING THAT CERTAIN OPERATORS OF MOTOR VEHICLES MAY BE GIVEN CHEMICAL OR BLOOD TESTS TO DETERMINE SOBRIETY AND CERTAIN RELATED MATTERS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 605, relative to providing that certain operators of motor vehicles may be given chemical tests for the purpose of determining their sobriety; of current house document numbered 932, relative to establishing certain tests of alcoholic blood content as prima facie evidence of not being under the influence or of being under the influence of intoxicating liquor while operating a motor vehicle; and of current house document numbered 2394, relative to providing a penalty for operating a motor vehicle while intoxicated and establishing certain tests as prima facie evidence of intoxication, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 7, 1958.

- CHAP. 27. RESOLVE REVIVING AND CONTINUING THE SPECIAL UNPAID COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE MOTOR VEHICLE LAWS AND THE INSURANCE LAWS AS THEY RELATE TO MOTOR VEHICLES AND CERTAIN RELATED MATTERS.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-five of the resolves of nineteen hundred and fifty-six is hereby revived and continued for the purpose of making an investigation and study of the motor vehicle laws, the insurance laws as they relate to motor vehicles, the factors which affect the cost of compulsory automobile insurance, the relation of motor vehicle violations to accidents, and all matters relating to public safety on the highways.

Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may travel within and without the commonwealth, shall have the power to summon witnesses and to require the production of books, records and papers and the giving of testimony under oath, and may expend for legal and other expert services, clerical hire and other expenses the unexpended balance of item 0257-12 in section two of chapter four hundred and two of the acts of nineteen hundred and fifty-seven. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate from time to time and by filing a final report on or before the last Wednesday of June in the current year.

Approved March 7, 1958.

- CHAP. 28. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE ADVISORY COMMITTEE ON SERVICE TO YOUTH RELATIVE TO COMMITMENT OF CHILDREN HELD FOR EXAMINATION OR TRIAL TO THE YOUTH SERVICE BOARD FOR STUDY.

Resolved, That the advisory committee on service to youth is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 1483, relative to commitment of children held for examination or trial to the youth service board for study. Said committee shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives not later than the last Tuesday of December in the current year.

Approved March 10, 1958.

- CHAP. 29. RESOLVE AUTHORIZING THE COMMISSION ON INTERSTATE CO-OPERATION TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO EXTENDING DAYLIGHT SAVING TIME.

Resolved, That the commission on interstate co-operation is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 190, relative to making daylight saving time effective throughout the year, of current house document numbered 398, relative to extending daylight saving time to the last Sunday of November of each year, and of current house document numbered 1667, relative to making daylight saving time effective throughout the year. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved March 14, 1958.

- CHAP. 30. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO MENTAL EXAMINATION OF CERTAIN PERSONS APPEARING BEFORE THE COURTS AND RELATIVE TO ADJUDICATION OF RESTORATION OF SOUNDNESS OF MIND.

Resolved, That the judicial council be requested to investigate the subject matter of current house documents numbered 961, relative to mental examination of certain persons appearing before the courts; and 962, relative to adjudication of restoration of soundness of mind, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 14, 1958.

- CHAP. 31. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE JUDICIAL COUNCIL RELATIVE TO AUTHORIZING THE USE OF MEDICAL DEPOSITIONS AT TRIALS IN THE ABSENCE OF ATTENDING PHYSICIANS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1289, relative to authorizing the use of medical depositions at trials in the absence of attending physicians, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 14, 1958.

- CHAP. 32. RESOLVE PROVIDING FOR THE PAYMENT TO THE HEIRS OR NEXT OF KIN OF JOSEPH SIMENAS OF THE BALANCE OF HIS ESTATE WHICH ESCHEATED TO THE COMMONWEALTH.

Resolved, That, subject to appropriation, there be allowed and paid from the state treasury, under the direction of the attorney general, to the heirs at law or next of kin of Joseph Simenas, also known as Joseph Simynas, who died in the city of Lynn on September fifteenth, in the year nineteen hundred and forty-one, or to their lawful representatives, such sum as may be found by the attorney general to have been paid into said treasury as the balance of the assets belonging to the estate of said Joseph Simenas, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum.

Approved March 18, 1958.

- CHAP. 33. RESOLVE PROVIDING FOR THE PAYMENT TO THE HEIRS OR NEXT OF KIN OF GENOVITY F. ILCHUK OF THE BALANCE OF HIS ESTATE WHICH ESCHEATED TO THE COMMONWEALTH.

Resolved, That, subject to appropriation, there be allowed and paid from the state treasury, under the direction of the attorney general, to the heirs at law or next of kin of Genovity F. Ilchuk, who died in the city of Peabody on December twenty-fifth, in the year nineteen hundred and forty-nine, or to their lawful representatives, such sum as may be found by the attorney general to have been paid into said treasury as the balance of the assets belonging to the estate of Genovity F. Ilchuk, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum.

Approved March 18, 1958.

- CHAP. 34. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND INVESTIGATE COMMUNISM AND SUBVERSIVE ACTIVITIES AND RELATED MATTERS IN THE COMMONWEALTH.

Resolved, That the unpaid special commission established by chapter eighty-nine of the resolves of nineteen hundred and fifty-three and most recently revived and continued by chapter two of the resolves of nine-

teen hundred and fifty-seven is hereby further revived and continued for the purpose of continuing its investigation and study of the extent, character and objects of communism and subversive activities and related matters within the commonwealth; the diffusion within the commonwealth of subversive and un-American propaganda that is instigated from foreign countries, or of a domestic origin, and attacks the principle of the form of government as guaranteed by our constitution and all other questions in relation thereto that would aid the general court in enacting any necessary remedial legislation.

Said commission in making its investigation shall consider all the aspects of such activities, including, but not limiting its investigation thereto, educational, governmental, industrial and political activities. Said commission shall be provided with quarters in the state house or elsewhere, shall hold public hearings, may travel within and without the commonwealth, may sit during the session and recess of the general court, may require by summons the attendance of such witnesses and the production of such books, papers and documents, and take such testimony as it deems necessary.

Upon a majority vote of the commission, summonses shall be issued under the signature of the chairman or vice chairman, and shall be served by an officer of the general court or by any person designated by the commission. The chairman or any member of the commission may administer oaths to witnesses. Every person who behaves in a disorderly or contemptuous manner before such commission shall be deemed guilty of a misdemeanor punishable as provided in section twenty-eight A of chapter three of the General Laws.

The subject of any investigation in connection with which witnesses are summoned shall be clearly stated before the commencement of any hearings and the evidence sought to be elicited shall be relevant and germane to the subject as so stated.

Any witness summoned at a public hearing and any witness before a private hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness while on the witness stand of his rights.

Every witness shall have the opportunity at the conclusion of the examination by the commission to supplement the testimony which he has given by making a written or oral statement, which shall be made part of the record, but such statement shall be confined to matters with regard to which he has previously been examined.

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given in a public hearing before the commission or any subcommittee thereof or comment made by any member of the commission or its counsel tends to defame him or otherwise adversely affects his reputation, shall be afforded the following privileges: —

(a) He may file with the commission a sworn statement concerning such testimony, evidence or comment, which shall be made part of the record of such hearing.

(b) He may appear personally before the commission and testify in his own behalf.

Said commission, during its investigation, shall have the assistance of the attorney general, the department of education and such other

departments, boards, commissions and officers of the state government as may be requested by said commission to assist and co-operate.

Said commission shall report its findings to the general court at such time or times as it may deem advisable, but in any event shall file a final report not later than the first day of February, nineteen hundred and fifty-nine. Such report may include the name and all other identifying data available to the commission, of any individual, concerning whom, the commission, during the course of the investigation, has received creditable evidence that such individual was or is a member of the communist party, a communist or a subversive. Said commission may expend for expenses and legal, clerical and other assistance, the balance available in item 0298-00 of section two of chapter one hundred and ninety-seven of the acts of nineteen hundred and fifty-four, the balance available in item 0298-00 of section two of chapter seven hundred and eighty-four of the acts of nineteen hundred and fifty-five, the balance available in item 0298-00 of section two of chapter seven hundred and forty-six of the acts of nineteen hundred and fifty-six, and such sums as may be appropriated therefor.

Approved March 19, 1958.

CHAP. 35. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PERMITTING RECOVERY AGAINST PARENTS FOR MALICIOUS OR WILFUL DAMAGE CAUSED BY THEIR CHILD.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 622, relative to permitting recovery against parents for malicious or wilful damage caused by their child, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 19, 1958.

CHAP. 36. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED FOR AN INVESTIGATION AND STUDY RELATIVE TO THE SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL IN THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS AND THE CITY OF BOSTON, AND THE WATER SYSTEMS IN SAID DISTRICTS.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-nine of the resolves of nineteen hundred and fifty-six, and most recently revived and continued by chapter one hundred and forty-four of the resolves of nineteen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study relative to the systems of sewerage and sewage disposal in the north and south metropolitan sewerage districts and the city of Boston, and the metropolitan water supply system.

In making its investigation and study, said special commission shall specifically, but without limiting the generality of the foregoing, consider —

(a) The financial condition of said districts, with particular reference to the adequacy and fairness of the present rate for water furnished and

the methods of assessing operating and other costs provided under existing statutes;

(b) The advisability of defining geographical limits to the extension of said water and sewerage districts;

(c) The adequacy of the provisions of existing statutes, and of the existing methods of enforcement thereof with respect to such matters as the approval of local sewerage works, with particular reference to methods of separating storm water and drains from facilities for disposal of sanitary sewage, and the prevention of pollution in the rivers and streams of the metropolitan area, resulting from the operation of municipalities or other public or private bodies;

(d) The adequacy of existing systems of sewage disposal of the municipalities which constitute the metropolitan sewerage districts and of the metropolitan district commission with particular reference to the adequacy and hydraulic characteristics of the old Neponset valley sewer, so-called, between the southern high level sewer, so-called, and its terminus in West Roxbury;

(e) The advisability of establishing an advisory board to be appointed by the governor upon recommendation of the mayors and boards of selectmen of the cities and towns constituting said districts for the purpose of representing the joint interests of said municipalities and of the public in consultation with the officials of the metropolitan district commission.

Said commission shall be furnished by the metropolitan district commission with such technical and other assistance as it may require, and shall have the right to call upon other state departments, boards or commissions for such information and assistance as it may deem necessary for its purposes. Said commission shall be provided with quarters in the state house or elsewhere, may travel within and without the commonwealth, may employ such engineering and other assistants and incur such expenses as may be necessary to carry out the purposes of this resolve, and for said purposes may expend the balance available in item 0257-14 as made available by chapter one hundred and forty-four of the resolves of nineteen hundred and fifty-seven and such sums as may be further appropriated.

It is hereby further provided that expenditures made by the special commission under chapter one hundred and twenty-nine of the resolves of nineteen hundred and fifty-six and under chapters forty-five and one hundred and forty-four of the resolves of nineteen hundred and fifty-seven and under this resolve are to be assessed fifty per cent on the metropolitan water district; twenty-five per cent on the north metropolitan sewerage district; and twenty-five per cent on the south metropolitan sewerage district.

Said commission may report from time to time to the general court the results of its investigation and study hereunder, and its recommendations, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate, but in any event shall file its final report with said clerk on or before the last Tuesday in December of the current year.

Approved March 24, 1958.

CHAP. 37. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND INVESTIGATE THE LAWS RELATING TO YOUTHFUL OFFENDERS.

Resolved, That the unpaid special commission established by chapter fifty-five of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its study and investigation of the laws in the various states of the nation relative to youthful offenders, especially the laws of the state of New York relating thereto, with a view to the revision of the laws of the commonwealth on the said subject matter, and to the recommending of such changes therein and additions thereto as may appear necessary and desirable. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth and may expend for legal, clerical or other assistance the unexpended balance available in item 0258-07 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor. Said commission shall report to the general court the results of its study and investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives from time to time, but in any event, shall file a final report not later than the last Tuesday of December in the current year. *Approved March 24, 1958.*

CHAP. 38. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE ADMISSIBILITY IN EVIDENCE OF CONFESSIONS AND ADMISSIONS IN CRIMINAL TRIALS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 2250, relative to the admissibility in evidence of confessions and admissions in criminal trials, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved March 24, 1958.*

CHAP. 39. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 243, relative to increasing the exemption on certain real property of blind persons, and 439, relative to requiring the provision of an adequate off-street parking area or facility as a condition precedent to exemption from local taxation of real estate acquired by or in trust for a charitable organization after June thirtieth in the current year.

Approved March 25, 1958.

CHAP. 40. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, is hereby authorized and directed to make an investigation and study of the subject matter of current senate documents numbered 77, relative to exempting from taxation benefits received under the social security act; and 528, relative to exempting from taxation benefits received under the federal social security act; and of current house document numbered 813, relative to exempting benefits received under the federal social security act.

Approved March 25, 1958.

CHAP. 41. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED FOR THE PURPOSE OF MAKING AN INVESTIGATION AND STUDY RELATIVE TO THE ACTIVITIES OF ACCIDENT AND HEALTH INSURANCE COMPANIES, THE ISSUANCE OF CREDIT LIFE, HEALTH AND ACCIDENT INSURANCE TO CREDITORS IN CONNECTION WITH FINANCE CONTRACTS, AND OTHER MATTERS.

Resolved, That the unpaid special commission established by chapter one hundred and three of the resolves of nineteen hundred and fifty-six and extended by chapter eighty of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study relative to the activities of accident and health insurance companies, the issuance of credit life, health and accident insurance to creditors in connection with finance contracts, and other matters. The commissioner of insurance shall give full aid and assistance to the commission in the course of its investigation and study. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may require by summons the testimony of witnesses and the production of books and papers, and may expend for clerical and other services and expenses the balance of the amount available in item 0257-07 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven and such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing one or more reports with the clerk of the senate from time to time, and by filing its final report on or before the last Tuesday of December in the current year.

Approved March 25, 1958.

CHAP. 42. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HUNTING AND FISHING WITHIN THE COMMONWEALTH AND CERTAIN MATTERS RELATING THERETO.

Resolved, That the unpaid special commission, established by chapter eighty-four of the resolves of nineteen hundred and fifty-five, and most

recently revived and continued by chapter one hundred and sixteen of the resolves of nineteen hundred and fifty-seven, to study and investigate relative to hunting and fishing within the commonwealth and certain matters relating thereto, is hereby revived and continued for the purpose of continuing said study and investigation.

Said commission shall be provided with quarters in the state house or elsewhere, may travel within or without the commonwealth, may hold public hearings, shall have the power to summon witnesses and to require the production of books, records and papers and the giving of testimony under oath, and may expend any balance of the sum appropriated under item 0256-06 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor.

Said commission may report from time to time and shall make its final report to the general court with the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December, nineteen hundred and fifty-eight.

Approved March 25, 1958.

CHAP. 43. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CONTINUATION OF THE TRANSPORTATION SERVICE IN THE AREAS SERVED BY THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY, THE BOSTON & MAINE RAILROAD AND THE BOSTON & ALBANY RAILROAD AND THE RELOCATION OF THE SOUTH STATION TERMINAL.

Resolved, That the unpaid special commission established by chapter one hundred and fifty-two of the resolves of nineteen hundred and fifty-six, and revived and continued by chapter one hundred and thirty-eight of the resolves of nineteen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study relative to the continuation of freight and passenger service on the Old Colony Division, the Boston and Providence Division, and the Providence and Worcester Division, of the New York, New Haven & Hartford Railroad Company, including the Hyde Park and Readville districts, and the New England Transportation Company and The Boston Terminal Corporation, and to the entire problem of transportation service in the area south and east of Boston. Said commission shall consider the reports of recess commissions previously established by resolves of the general court, relating to the investigation of transportation facilities, and such evidence, including the testimony of experts, as it may deem advisable. Said commission shall investigate and study the continuation of freight and passenger service in the territory covered by the Boston & Maine Railroad and the Boston & Albany Railroad and the relocation of the South Station terminal. Said commission may call upon the department of public utilities and other departments, boards, commissions and officers of the commonwealth for such information as it may desire in the course of its investigation. Said commission shall investigate the application and effect of

the segregation formula and allocation of expenses on profit or loss of the Old Colony Division of the New York, New Haven & Hartford Railroad Company, and include in its report its finding concerning the same. Said commission shall be provided with quarters in the state house or elsewhere, shall hold public hearings, shall have the power to summon witnesses and to require the production of books, records, contracts and papers, and the giving of testimony under oath. Said commission may travel within and without the commonwealth and may expend the unexpended balance of the amount appropriated in item 0257-22 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated for expert, clerical and other services and expenses. Said experts shall be appointed by the commission. Said commission shall report to the general court the results of its study and investigation by filing the same, together with such plans, statistics and drafts of legislation as it may deem necessary or appropriate, with the clerk of the senate not later than the last Tuesday of December, nineteen hundred and fifty-eight.

Approved March 27, 1958.

CHAP. 44. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 131, relative to providing for exemption of political subdivisions of the commonwealth from certain excises paid or payable on special fuels bought or used by them; 220, relative to exempting the Metropolitan Transit Authority from taxes on fuels and special fuels used for propelling its vehicles; 526, relative to providing for the exemption of the Metropolitan Transit Authority from the law imposing an excise upon certain fuels used by motor vehicles on the highways of the commonwealth; and 527, relative to providing for the exemption of political subdivisions of the commonwealth from the law imposing an excise upon certain fuels used by motor vehicles on the highways of the commonwealth; and of current house document numbered 1775, relative to providing for refunds of taxes on certain fuels.

Approved March 28, 1958.

CHAP. 45. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING THAT THE COMMONWEALTH SHALL PAY ALL EXPENSES OF COURT OPERATIONS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 296, relative to providing that the commonwealth shall pay all expenses of court operations, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 28, 1958.

- CHAP. 46. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ACT ESTABLISHING THE UNIFORM COMMERCIAL CODE AND CERTAIN RELATED MATTERS.

Resolved, That the unpaid special commission established by section twenty of chapter seven hundred and sixty-five of the acts of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study of the subject matter of the act establishing the uniform commercial code, and the need, if any, of further amendments that the commission may deem necessary in order to insure the efficient operation of said act and the protection of the public interest. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth and may expend for legal, clerical and other assistance the balance available in item 0258-19 of section two of chapter seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor. Said commission shall report to the general court the result of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect by filing the same with the clerk of the house of representatives at such time or times as it may deem desirable, and in any event, shall file a final report not later than the last Tuesday of December in the current year.

Approved March 28, 1958.

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- CHAP. 47. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL IN THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS AND IN THE CITY OF BOSTON, AND THE METROPOLITAN WATER SUPPLY SYSTEM.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-nine of the resolves of nineteen hundred and fifty-six, and most recently revived and continued by chapter thirty-six of the resolves of nineteen hundred and fifty-eight, shall, in making its investigation and study, consider the subject matter of current senate document numbered 409, relative to the basis of admission of cities and towns into the north and south metropolitan sewerage districts; of current house documents numbered 59, relative to providing additional funds to cover the cost of certain sewerage projects and works within the north and south metropolitan sewerage districts; 693, relative to providing additional funds to cover the cost of certain sewerage works within the north metropolitan sewerage district; and 1367, relative to the supplying of water by the metropolitan district commission.

Approved April 1, 1958.

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- CHAP. 48. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently continued by

chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, is hereby authorized and directed to make an investigation and study of the subject matter of current senate documents numbered 129 and 525, relative to establishing a maximum rate of excise tax on registered motor vehicles and trailers, and 130, relative to exempting from the income tax law income from disability retirement pay or compensation received by certain former members of the United States armed forces.

Approved April 3, 1958.

CHAP. 49. RESOLVE AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ESTABLISHMENT OF A STATE-WIDE SAFETY CODE COVERING THE INSTALLATION OF GAS FACILITIES WITHIN BUILDINGS.

Resolved, That the department of public utilities is hereby authorized and directed to make an investigation and study relative to the establishment of a state-wide safety code covering the installation of gas facilities within buildings, and specifically the advisability of adopting the provisions of the American Standards Association, Inc. code Z21.30.1954 as approved by the American Gas Association, Inc. Said department shall report to the general court the results of its investigation and study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate from time to time but not later than the fourth Wednesday of January, nineteen hundred and fifty-nine.

Approved April 3, 1958.

CHAP. 50. RESOLVE AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE SUBJECT OF SAFETY REGULATIONS AND REQUIREMENTS IN THE OPERATION OF POWER EQUIPMENT SUCH AS CRANES, BULLDOZERS AND SHOVELS, IN THE VICINITY OF EXISTING OVERHEAD TRANSMISSION LINES.

Resolved, That the department of public utilities is hereby authorized and directed to make an investigation and study relative to the subject of safety regulations and requirements in the operation of power equipment such as cranes, bulldozers and shovels, in the vicinity of existing overhead transmission lines. Said department shall report to the general court the results of its investigation and study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate from time to time but not later than the fourth Wednesday of January, nineteen hundred and fifty-nine.

Approved April 3, 1958.

CHAP. 51. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF THE CURRICULA IN THE PUBLIC SCHOOLS ESPECIALLY WITH RELATION TO COURSES IN BASIC SCIENCE AND MATHEMATICS.

Resolved, That an unpaid special commission, to consist of three members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker

thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study and a re-evaluation of the courses of study in grades seven to twelve, inclusive, in the public schools, with special attention to the fields of basic science and mathematics with a view to the possibility of prescribing courses of compulsory study. Said commission shall also study the question of increased state aid to cities and towns for school purposes, together with ways and means of financing such increased aid. It shall consult with the department of education and administrators of public schools and study the facilities in the schools. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for legal and other expert services, clerical hire and other expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate from time to time, but its final report shall be filed not later than the last Tuesday of December in the current year.

Approved April 7, 1958.

CHAP. 52. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ON AUDIT OF STATE NEEDS.

Resolved, That the unpaid special commission, known as the special commission on audit of state needs, established by chapter thirty-eight of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 514, providing for the commonwealth to reimburse cities and towns for loss of taxes through abatements granted to veterans and certain others, 524 providing for payments in lieu of taxes on property acquired by the commonwealth on or after January first, nineteen hundred and fifty-nine, and 532, providing for annual payments to cities and towns in lieu of taxes for loss of certain property taken by the commonwealth for highway purposes.

Approved April 8, 1958.

CHAP. 53. RESOLVE REVIVING AND CONTINUING AND INCREASING THE MEMBERSHIP AND POWERS OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN RAPID TRANSIT COMMISSION TO STUDY THE EXTENSION OF RAPID TRANSIT SERVICE THROUGHOUT THE AREA SERVED BY THE METROPOLITAN TRANSIT AUTHORITY AND RELATIVE TO TRANSPORTATION FACILITIES IN THE BOSTON METROPOLITAN AREA.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-one of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study relative to providing for the creation of a metropolitan rapid transit commission to study the extension of rapid

transit service throughout the area now served by the metropolitan transit authority, and of transportation facilities in the Boston metropolitan area, with particular attention on mass transportation and its related problems. Said commission shall, in the course of its investigation and study, consider so much of the Governor's Address (Senate, No. 1, pages 11 and 29) relative to the continuation of transportation service in certain areas, and to the creation of the metropolitan board of mass transportation to study and make recommendations relative to the relationships of the transportation facilities to economic needs and opportunities and to the civil defense and disaster programs; of current senate document numbered 80, relative to providing for the creation of a permanent South Shore transportation council to preserve and improve transportation of freight and passengers by rail or otherwise in the South Shore area; of current house document numbered 349, relative to requiring the Boston and Maine Railroad to continue service to West Medford, Tufts College and Medford Hillside stations; of the investigation and study proposed by current house document numbered 1550, relative to the transportation facilities and needs of the Greater Boston Metropolitan area and of other urban areas throughout the commonwealth; of current house document numbered 2039, relative to reducing the contribution of the city of Boston to the cost of the metropolitan district commission by ten per cent and assessing said ten per cent ratably upon the remaining cities and towns in the jurisdiction of the metropolitan district commission, based upon their assessed valuation and population; of current house documents numbered 2551 and 2582, increasing the scope of the special commission established to make an investigation and study relative to the creation of a metropolitan rapid transit commission to study the extension of rapid transit service throughout the area served by the metropolitan transit authority and relative to transportation facilities in the Boston metropolitan area. The membership of said commission is hereby increased by two additional members of the house of representatives, to be designated by the speaker thereof, and by four other persons who shall consist of the chairman of the metropolitan district commission, or his designee, the commissioner of public works or his designee, the chairman of the Massachusetts Port Authority or his designee, and the chairman of the Massachusetts Turnpike Authority or his designee. Said commission shall be provided with quarters in the state house or elsewhere, shall have the right to call upon any state department, board or commission for such information as it may deem necessary for its purposes, may hold public hearings, may travel within or without the commonwealth, and may expend for clerical and other services, including such professional services as may be deemed necessary, the unexpended balance available in item 0258-13 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission may report from time to time to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate, but in any event shall file its final report on or before the last Tuesday of December in the current year.

Approved April 9, 1958.

- CHAP. 54. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE SELECTION OF AN OFFICIAL SONG FOR THE COMMONWEALTH.

Resolved, That an unpaid special commission, to consist of five persons duly qualified in the art of music to be appointed by the governor, is hereby authorized and directed to make an investigation and study relative to the selection of an official song for the commonwealth. Said commission shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 493 and 496, of current house documents numbered 795 and 801, and of senate document numbered 135 of 1957, and may consider any other musical composition which it may feel would properly exemplify the spirit and history of the commonwealth. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, and may expend for clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved April 11, 1958.

- CHAP. 55. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE FEASIBILITY OF ESTABLISHING A SOUTHEASTERN MASSACHUSETTS WATER DISTRICT.

Resolved, That the unpaid special commission, established by chapter fifty-four of the resolves of nineteen hundred and fifty-one and most recently revived and continued by chapter one hundred and twelve of the resolves of nineteen hundred and fifty-seven, to investigate and study the advisability and feasibility of establishing a Southeastern Massachusetts Water District, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 583, relative to the acquisition of additional water supply by the town of Marion.

Approved April 11, 1958.

- CHAP. 56. RESOLVE IN FAVOR OF SANTOS RODRIGUEZ.

Resolved, That, for the purpose of discharging a moral obligation and subject to appropriation, there be paid to Santos Rodriguez out of the treasury of the commonwealth the sum of twelve thousand five hundred dollars as compensation to him for having been convicted and sentenced to imprisonment for life for a murder committed in the city of Springfield in the year nineteen hundred and fifty-four and for having been so imprisoned from December fifteenth, nineteen hundred and fifty-four to April ninth, nineteen hundred and fifty-seven when he was pardoned and released, said murder having been actually committed by another person who confessed his guilt; provided, that no payment shall be made hereunder until there is filed with the comptroller an agreement signed by said Santos Rodriguez that the amount to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved April 11, 1958.

- CHAP. 57. RESOLVE REVIVING AND CONTINUING AND INCREASING THE POWERS AND SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE BRANCH BANKING LAWS OF THE COMMONWEALTH.

Resolved, That the unpaid special commission established by chapter one hundred and thirty-seven of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study relative to the branch banking laws of the commonwealth. Said commission shall, in the course of its investigation and study, consider the subject matter of the study proposed by current senate document numbered 235, relative to the organization and operation of bank holding companies in the commonwealth; and of current senate document numbered 236, relative to further regulating the establishment and operation of branch offices of trust companies by bank holding companies.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, may travel within and without the commonwealth, and may expend for expert, legal, clerical and other services the unexpended balance available in item 0258-16 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven and such other sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Tuesday of December in the current year.

Approved April 15, 1958.

- CHAP. 58. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO LIENS ON BUILDINGS AND LAND.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 348, relative to liens on buildings and land, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 15, 1958.

- CHAP. 59. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE PROTECTION AND CARE OF CHILDREN, AND THE RESPONSIBILITY OF PARENTS IN CERTAIN CASES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1305, relative to providing that a parent or guardian failing to carry out a court order for payment for the support of certain children committed to the department of public welfare and certain correctional institutions may be adjudged in contempt; providing for civil liability of certain parents or guardians for injuries caused by children; and increasing the penalty

which may be imposed on a parent or guardian aiding in the delinquency of a child; and of current house document numbered 1307, relative to the protection and care of children, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved April 15, 1958.*

CHAP. 60. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY AN UNPAID SPECIAL COMMISSION RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF NEW, ADEQUATE AND CONVENIENT FACILITIES FOR THE SITTINGS OF THE SUPERIOR AND PROBATE COURTS IN BRISTOL COUNTY AND FOR A HOUSE OF CORRECTION IN SAID COUNTY.

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and five members to be appointed by the governor, is hereby established to make an investigation and study relative to the advisability and feasibility of the construction and maintenance of new, adequate and convenient facilities for the sittings of the superior court and probate court in Bristol county and for a house of correction in said county, including a site. The commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, and may expend for necessary assistance and expenses such sums as may be appropriated therefor.

The commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the last Tuesday of December in the current year.

Approved April 15, 1958.

CHAP. 61. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently revived and continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 48, relative to exempting housing projects for elderly persons from taxation; 440, relative to exempting federal civil service annuities from the laws relative to the taxation of income; 811, relative to providing for a five per cent tax on hotel bills, the proceeds to be credited to cities and towns; 817, relative to exempting social security lump sum death payments from taxation under the inheritance and joint property tax laws; 1515, relative to removing inequities with respect to the exemption from tax of pensions paid by the veterans bureau; 1778, relative to establishing a maximum rate of excise tax on

registered motor vehicles; 2331, relative to providing for a one thousand dollar real estate taxation exemption for all veterans not receiving an exemption; and 2437, relative to exempting certain pensions and annuities in an amount not to exceed three thousand dollars, from the provisions of law relative to the taxation of incomes.

Approved April 16, 1958.

CHAP. 62. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS REHABILITATION COMMISSION RELATIVE TO EQUIPPING AND MAINTAINING OF SHELTERED WORKSHOPS BY MUNICIPAL CORPORATIONS AND RELATIVE TO THE NEED FOR SUCH WORKSHOPS FOR THE TRAINING AND EMPLOYMENT OF THE DISABLED IN THE COMMONWEALTH.

Resolved, That the Massachusetts rehabilitation commission is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 1216, relative to providing for the equipping and maintaining of certain sheltered workshops by municipal corporations; and of 1217, relative to the need for sheltered workshops for the training and employment of the disabled in the commonwealth. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved April 16, 1958.

CHAP. 63. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO EXCLUDING AS EVIDENCE IN COURT CASES ANYTHING CONTAINED IN A DEATH CERTIFICATE RELEVANT TO THE ISSUE OF LIABILITY FOR CAUSING DEATH.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 610, relative to excluding as evidence in court cases anything contained in a death certificate relevant to the issue of liability for causing death, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 16, 1958.

CHAP. 64. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION TO STUDY AND INVESTIGATE THE OPERATION OF THE NEW BEDFORD, WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

Resolved, That the unpaid special commission established by chapter seventy-eight of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study of the operation of the New Bedford, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for expert, clerical and other services and expenses the unexpended balance available in item 0258-02 of section two of chapter four hundred and two of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the year nineteen hundred and fifty-eight.

Approved April 16, 1958.

CHAP. 65. RESOLVE REVIVING AND CONTINUING AND INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ABOLITION OF THE DEATH PENALTY IN CAPITAL CASES.

Resolved, That the unpaid special commission established by chapter one hundred and forty-one of the resolves of nineteen hundred and fifty-seven to make an investigation and study relative to the abolition of the death penalty in capital cases is hereby revived and continued for the purpose of continuing its investigation and study. Said commission shall, in the course of its investigation and study, consider the subject matter of so much of the annual report of the Judicial Council for the year 1957 (Public Document No. 144, pages 56-69) as relates to certain criminal proceedings; of current house documents numbered 185, relative to providing that the punishment for persons guilty of murder in the first degree shall be life imprisonment unless the jury recommends the punishment of death; 1283, relative to criminal responsibility for a crime; 1638, relative to ascertaining the will of the voters with reference to the abolition of the death penalty; 1958, relative to abolishing capital punishment in certain cases; and 1959, relative to abolishing the death penalty for an experimental period of five years.

Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may travel within and without the commonwealth, and may expend for professional, clerical and other services and expenses the unexpended balance of item 0258-17 of section two of chapter seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives from time to time and by filing a final report on or before the last Tuesday of December in the current year.

Approved April 16, 1958.

CHAP. 66. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF THE DANGEROUS CONDITIONS PRESENTLY EXISTING AT THE BRIDGE IN THE CITY OF MEDFORD KNOWN AS THE HARVARD STREET BRIDGE IN SOUTH MEDFORD.

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and one person to be appointed by the governor, with the advice and consent of the council, is hereby established for the purpose of making an investigation and study of the dangerous conditions presently existing at the bridge in the city of Medford, known as the Harvard Street bridge in South Medford. Said commission shall make recommendation concerning the most effective and economical means of eliminating said dangerous condition, either by widening the bridge or by some other method. Said commission may expend for expenses and clerical and other assistance such sums as may hereafter be appropriated. Said commission shall report to the general court the results of its investigation and study, and its recommendation, if any, together with drafts of any legislation necessary to carry said recommendation into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the year nineteen hundred and fifty-eight.

Approved April 16, 1958.

CHAP. 67. RESOLVE REVIVING AND CONTINUING AND INCREASING THE POWERS AND SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ESTABLISHMENT OF AN ATOMIC ENERGY INDUSTRIAL RESEARCH CENTER.

Resolved, That the unpaid special commission, established by chapter seventy-seven of the resolves of nineteen hundred and fifty-seven, to make an investigation and study relative to the establishment of an atomic energy industrial research center is hereby revived and continued. Said commission shall, in the course of its investigation and study, consider the subject matter of current house document numbered 2073, relative to establishing an atomic energy authority for the purpose of erecting reactors throughout the commonwealth for industrial and domestic purposes. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, may travel within and without the commonwealth, and may expend for expert, legal, clerical and other services and expenses the unexpended balance available in item 0258-06 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives from time to time but not later than the last Tuesday of December in the current year.

Approved April 21, 1958.

- CHAP. 68. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE ADVISABILITY OF PURCHASING, LEASING OR ERECTING A BUILDING IN THE SPRINGFIELD AREA TO HOUSE THE VARIOUS BRANCHES OF THE STATE DEPARTMENTS IN SAID AREA.

Resolved, That the unpaid special commission established by chapter one hundred and fifty-one of the resolves of nineteen hundred and fifty-six, and most recently revived and continued by chapter seventeen of the resolves of nineteen hundred and fifty-eight, shall, in making its investigation and study, consider the subject matter of current senate document numbered 495, authorizing the department of public works to acquire land in the cities of Northampton, Holyoke or vicinity for a district office site.

Approved April 21, 1958.

- CHAP. 69. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND INVESTIGATE THE LAWS RELATING TO CERTAIN YOUTHFUL OFFENDERS.

Resolved, That the unpaid special commission, established by chapter fifty-five of the resolves of nineteen hundred and fifty-seven, and revived and continued by chapter thirty-seven of the resolves of the current year, shall, in the course of its investigation and study, consider the subject matter of so much of the Governor's Address (Senate, No. 1, page 15), as relates to the establishment of a voluntary training program for police officials and school teachers in order to deal more effectively with the problem of juvenile delinquency; and of the investigation proposed by current house document numbered 1480, relative to establishing a uniform basis for the collection and coding of statistics relating to juvenile delinquency, adult offenders and other deviates.

Approved April 22, 1958.

- CHAP. 70. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE WATER RESOURCES COMMISSION RELATIVE TO METHODS OF PROVIDING AN ADEQUATE WATER SUPPLY TO THE CITIES AND TOWNS OF THE COMMONWEALTH DURING A PERIOD OF DROUGHT OR OTHER EMERGENCY.

Resolved, That the water resources commission is hereby authorized and directed to make an investigation and study relative to methods of providing an adequate water supply to the cities and towns of the commonwealth during a period of drought or other emergency. Said commission shall also consider the feasibility and advisability of the establishment and maintenance of stand-by connections with Quabbin reservoir for emergency use by cities and towns not presently connected therewith, and the possibility of utilizing additional streams and rivers by the expansion of filtration facilities.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved April 22, 1958.

- CHAP. 71. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY OF THE CURRICULA IN THE PUBLIC SCHOOLS ESPECIALLY WITH RELATION TO COURSES IN BASIC SCIENCE AND MATHEMATICS.

Resolved, That the unpaid special commission established by chapter fifty-one of the resolves of the current year to make an investigation and study of the curricula in the public schools especially with relation to courses in basic science and mathematics shall, in the course of its study and investigation, consider the subject matter of current house documents numbered 535 and 1869, increasing state aid for public schools.

Approved April 30, 1958.

- CHAP. 72. RESOLVE AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO MAKE A STUDY AND SURVEY OF THE MOST FEASIBLE LOCATION FOR A BRIDGE ACROSS THE MERRIMACK RIVER IN THE CITY OF LOWELL.

Resolved, That the department of public works is hereby authorized and directed to make a study and survey in order to determine the most feasible location for a bridge across the Merrimack river in the city of Lowell and suitable approaches thereto connecting with the relocated Route 3 and the Pawtucket Boulevard, so called, on the north side of said river. Said department shall report to the general court the results of its study and survey and its recommendations, if any, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year. *Approved April 30, 1958.*

- CHAP. 73. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight and most recently revived and continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 515, relative to amending the definition of dependent children under the law regarding the taxation of incomes; 536, relative to exempting certain motor buses used for carrying passengers for hire from certain taxes on special fuels; and 537, relative to exempting certain motor buses used for carrying passengers for hire from certain fuel taxes; of current house documents numbered 441, relative to providing that certain expenses for tuition paid to certain educational institutions and certain other expenses be allowable deductions for income tax purposes; 810, relative to certain exemptions under the income tax law; 1109, relative to the deduction for a child under the income tax law; 1110, relative to the deduction for a student under the income tax law; 1540, relative to the deduction for a child under the income tax law; 1541, relative to providing that certain educational expenses be allowable deductions for income tax purposes; 1768, relative to the ex-

emption from the income tax law for certain children over eighteen years of age; 2144, relative to motor buses carrying passengers for hire and the excise thereon; 2329, relative to providing a tax deduction for children studying full time at a recognized educational institution; and 2333, relative to exempting certain motor buses used for carrying passengers for hire from certain taxes on fuel. *Approved April 30, 1958.*

CHAP. 74. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO RETARDED CHILDREN AND THE TRAINING FACILITIES AVAILABLE THEREFOR.

Resolved, That the unpaid special commission established by chapter seventy-seven of the resolves of nineteen hundred and fifty-two, and most recently revived and continued by chapter fifty-six of the resolves of nineteen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study relative to the number of retarded children in the commonwealth and the training facilities available for their instruction. Said commission shall be provided with suitable quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, may travel within and without the commonwealth, and may expend for clerical and other services the unexpended balance available in item 0245-00 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, together with drafts of legislation necessary to carry such recommendations into effect by filing one or more reports with the clerk of the house of representatives from time to time, and by filing its final report on or before the first Wednesday of December, nineteen hundred and fifty-eight.

Approved April 30, 1958.

CHAP. 75. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HUNTING AND FISHING WITHIN THE COMMONWEALTH AND CERTAIN MATTERS RELATING THERETO.

Resolved, That the unpaid special commission, established by chapter eighty-four of the resolves of nineteen hundred and fifty-five and most recently revived and continued by chapter forty-two of the resolves of nineteen hundred and fifty-eight, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 277, providing for an investigation and study by the Mount Greylock reservation commission relative to the feasibility of constructing a road to the top of Mount Greylock, and improving parking facilities.

Approved May 2, 1958.

CHAP. 76. RESOLVE EXTENDING THE TIME WITHIN WHICH THE WATER RESOURCES COMMISSION SHALL FILE ITS REPORT ON THE WATER RESOURCES AND SEWERAGE DISPOSAL FACILITIES OF PLUM ISLAND.

Resolved, That the time within which the water resources commission shall make its report to the general court of its survey of the water resources and sewerage disposal facilities of Plum Island, as authorized by chapter seventy-three of the resolves of nineteen hundred and fifty-seven, is hereby extended to the first Wednesday of June in the current year.

Approved May 6, 1958.

CHAP. 77. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE GIVING OF INSTRUCTIONS TO PERSONS DRAWN FOR JURY DUTY.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1292, providing that persons drawn for jury duty be furnished with a pamphlet containing instructions which shall constitute the only indoctrination of such persons for duty as jurors, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved May 6, 1958.

CHAP. 78. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ESTABLISHMENT OF AN ATOMIC ENERGY INDUSTRIAL RESEARCH CENTER.

Resolved, That the unpaid special commission, established by chapter seventy-seven of the resolves of nineteen hundred and fifty-seven, and revived and continued by chapter sixty-seven of the resolves of the current year, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 1506, relative to providing for a world atomic and scientific exposition sponsored by the commonwealth and held in the city of Boston; and the investigation and study proposed by current house document numbered 2082, relative to present and future atomic defenses of the commonwealth.

Approved May 12, 1958.

CHAP. 79. RESOLVE IN FAVOR OF JOHN A. SWEENEY.

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the state treasury to John A. Sweeney, a member of the house of representatives, the salary to which he would have been entitled had he been a member on the first day of the current session of the general court.

Approved May 12, 1958.

CHAP. 80. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF ESTABLISHING A FISH HATCHERY IN THE AREA ADJACENT TO QUABBIN RESERVOIR.

Resolved, That the department of natural resources is hereby authorized and directed to make an investigation and study relative to the advisability and feasibility of establishing a fish hatchery in the area adjacent to the Quabbin reservoir. Said department shall report to the general court the results of its study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Wednesday of January, nineteen hundred and fifty-nine.

Approved May 12, 1958.

CHAP. 81. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY CERTAIN MATTERS PERTAINING TO THE INDUSTRIAL AND ECONOMIC DEVELOPMENT AND PROSPERITY OF THE COMMONWEALTH.

Resolved, That the unpaid special commission established by chapter ninety-six of the resolves of nineteen hundred and fifty-five, and most recently revived and continued by chapter one hundred and twenty-eight of the resolves of nineteen hundred and fifty-seven to investigate and study certain matters pertaining to the industrial and economic development and prosperity of the commonwealth, is hereby further revived and continued for the purpose of continuing its investigation and study. Said commission shall consult with appropriate officers and boards of municipalities and other state agencies, and may request assistance of such governmental agencies, local, state and federal, as will further the purposes herein set forth. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers; may travel within and without the commonwealth, and may expend for legal, clerical and other assistance and for expenses the balance available in item 0256-12 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission may report to the general court the results of its investigation and study from time to time, and it shall file its final report, together with drafts of legislation necessary to carry its recommendations into effect, if any, on or before the last Tuesday of December in the current year by filing the same with the clerk of the house of representatives.

Approved May 12, 1958.

CHAP. 82. RESOLVE IN FAVOR OF A. RICHARD FERULLO.

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the state treasury to A. Richard Ferullo, a member of the house of representatives, the salary to which he would have been entitled had he been a member on the first day of the current session of the general court.

Approved May 12, 1958.

CHAP. 83. RESOLVE REVIVING AND CONTINUING THE UNPAID SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO SLAUGHTERHOUSE FACILITIES WITHIN THE COMMONWEALTH.

Resolved, That the unpaid special commission established by chapter one hundred and forty-one of the resolves of nineteen hundred and fifty-six and revived and continued by chapter sixty-one of the resolves of nineteen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study of the subject of slaughterhouse facilities in the commonwealth, including businesses related thereto, with a view to the provision of adequate slaughterhouse facilities in the commonwealth.

Said commission shall confer and co-operate with the state department of agriculture in such investigation and study.

Said commission shall be provided with quarters in the state house or elsewhere, and may expend for clerical assistance, expert and engineering and other assistants the unexpended balance of the amount appropriated in item 0257-19 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor.

Said commission may hold hearings, may summon and examine witnesses and require by subpoena the production of books and papers and may travel within and without the commonwealth.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Tuesday in December in the current year. *Approved May 12, 1958.*

CHAP. 84. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO CONSIDER THE ADVISABILITY OF ESTABLISHING AN AGRICULTURAL SCHOOL AND CENTER IN WORCESTER COUNTY.

Resolved, That the unpaid special commission established by chapter sixty-nine of the resolves of nineteen hundred and fifty-six and revived and continued by chapter sixty-two of the resolves of nineteen hundred and fifty-seven, is hereby further revived and continued for the purpose of continuing its investigation and study of the advisability of establishing a county agricultural school in Worcester county, and an agricultural center where said school and governmental agricultural and farm agencies shall be located, where adult educational opportunities in dairying, farming, gardening, fruit growing, floriculture, marketing and other related subjects shall be offered and certain special services in milk testing, soil testing, and disease and pest control shall be furnished to the residents of said county.

Said commission shall consider such sites as may be available and desirable for the location of said school and center, and the possibility of acquiring certain buildings owned by the state or the federal government, the costs of acquiring such locations, and the approximate costs of constructing such school and center and staffing and equipping the

same. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings and may travel within and without the commonwealth. The commission may expend for expert, clerical and other assistance and for expenses the unexpended balance available in item 0257-01 of section two of chapter seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate not later than the last Tuesday of December in the current year.

Approved May 12, 1958.

CHAP. 85. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight, and most recently continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, shall, in making its investigation and study, consider the subject matter of current senate document numbered 645, relative to the limitation, assessment and collection of the motor vehicle excise tax; of current house documents numbered 344, relative to repealing the authority of cities and towns to make contracts for the expert appraisal of taxable real estate; 1776, relative to the taxation of sales of gasoline and certain special fuels; 2330, relative to increasing the equity permitted to be held by certain persons entitled to a tax exemption; and 2336, relative to directing the board of real estate tax commissioners to reimburse the city of Boston for any loss to its tax account as a result of any land takings by the board for off-street parking purposes.

Approved May 19, 1958.

CHAP. 86. RESOLVE EXTENDING THE TIME WITHIN WHICH THE UNPAID SPECIAL COMMISSION ON AUDIT OF STATE NEEDS IS REQUIRED TO COMPLETE ITS INVESTIGATION AND STUDY AND FILE ITS REPORTS.

Resolved, That the time within which the unpaid special commission, known as the special commission on audit of state needs, established by chapter thirty-eight of the resolves of nineteen hundred and fifty-seven, is required to complete its investigation and study and file its reports on the subject matters referred to it is hereby extended to December thirty-first, nineteen hundred and sixty. Said commission may expend for expert, legal and other services and expenses the unexpended balance available in item 0258-01 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor. Said commission shall report to the general court and to the governor the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recom-

mendations into effect by filing the same with the clerk of the house of representatives and a copy thereof with the governor at such time or times as it may deem advisable; provided, however, that it shall continue to file quarterly reports and shall file a final report not later than December thirty-first, nineteen hundred and sixty.

Approved May 20, 1958.

CHAP. 87. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ACTIVITIES OF ACCIDENT AND HEALTH INSURANCE COMPANIES, THE ISSUANCE OF CREDIT LIFE, HEALTH AND ACCIDENT INSURANCE TO CREDITORS IN CONNECTION WITH FINANCE CONTRACTS, AND OTHER MATTERS.

Resolved, That the unpaid special commission established by chapter one hundred and three of the resolves of nineteen hundred and fifty-six and most recently revived and continued by chapter forty-one of the resolves of the current year, for the purpose of making an investigation and study relative to the activities of accident and health insurance companies, the issuance of credit life, health and accident insurance to creditors in connection with finance contracts, and other matters, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 341, 343 and 347 and of current house documents numbered 291, 922, 926, 1267 and 2237.

Approved May 20, 1958.

CHAP. 88. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE FEASIBILITY OF ESTABLISHING A SOUTHEASTERN MASSACHUSETTS WATER DISTRICT AND OTHER SUBJECT MATTERS.

Resolved, That the unpaid special commission, established by chapter fifty-four of the resolves of nineteen hundred and fifty-one and most recently revived and continued by chapter one hundred and twelve of the resolves of nineteen hundred and fifty-seven, to investigate and study the advisability and feasibility of establishing a southeastern Massachusetts water district, is hereby further revived and continued for the purpose of further considering that subject, as well as any other subjects or matters heretofore or hereafter referred to it.

The commission shall have the power to employ such engineers and other assistants, including the procurement of the services of such consulting engineers, chemists or attorneys as may be necessary, and to incur such expenses as may be necessary for carrying out the provisions of this resolve.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, and shall have the power to summon witnesses and to require the production of books, records and papers and the giving of testimony under oath.

The commission may expend for the purposes of this resolve the balance available in item 0210-00 of section two of chapter seven

hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor.

Said commission shall report fully with plans and estimates to the general court by filing the same with the clerk of the senate on or before May first, nineteen hundred and fifty-nine, including in its report drafts of any legislation recommended by it. *Approved May 20, 1958.*

CHAP. 89. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF LABOR AND INDUSTRIES RELATIVE TO CLARIFYING THE HOURS OF LABOR FOR WOMEN AND CHILDREN AND RELATIVE TO OVERTIME COMPENSATION FOR WORK IN EXCESS OF FORTY HOURS A WEEK AND CERTAIN RELATED MATTERS.

Resolved, That the department of labor and industries is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 639, to protect the health and safety of women employed in certain industries and working under cold and freezing conditions; 643, relative to overtime compensation for employees called to work at hours other than their regular hours of employment; 645, relative to providing for overtime pay for work in excess of forty hours per week; 1327, relative to providing for overtime pay for work in excess of forty hours per week; and 1329, relative to clarifying the hours of labor for women and minors.

Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved May 26, 1958.

CHAP. 90. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE REGISTRAR OF MOTOR VEHICLES RELATIVE TO THE ESTABLISHMENT OF CERTAIN BRANCH OFFICES.

Resolved, That the registrar of motor vehicles is hereby authorized to make an investigation and study relative to the necessity and advantages of increasing the number of branch offices in the commonwealth. In carrying out said investigation and study, said registrar shall include the subject matter of current senate document numbered 99, providing for a branch office of the registry of motor vehicles in the city of Westfield; and current house documents numbered 171, providing for a branch office of the registry of motor vehicles in the city of Woburn; 581, authorizing and directing the registrar of motor vehicles to establish and maintain in the city of Taunton a branch office of the registry of motor vehicles; and 1254 and 1898, providing for the maintenance of a building in the village of Whitinsville in the town of Northbridge by the department of public works to be used as a subsidiary registry of motor vehicles. Said registrar shall report to the general court the results of his investigation and study, and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved May 26, 1958.

CHAP. 91. RESOLVE FURTHER INCREASING THE SCOPE OF THE SPECIAL COMMISSION ON AUDIT OF STATE NEEDS.

Resolved, That the unpaid special commission, known as the special commission on audit of state needs, established by chapter thirty-eight of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 636, relative to permitting voluntary coverage for non-profit institutions' employees under employment security act; 637, relative to clarifying eligibility under the Massachusetts employment security act; 641, relative to further regulating employers under the provisions of the employment security law; 1318, relative to the eligibility of school students for unemployment benefits; 1336, relative to the secrecy of union authorization cards; and 2256, relative to certain changes in the employment security law.

Approved May 26, 1958.

CHAP. 92. RESOLVE REVIVING AND CONTINUING AND INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN DISTRICT AND A METROPOLITAN PLANNING COUNCIL, AND CERTAIN RELATED MATTERS.

Resolved, That the unpaid special commission, established by chapter one hundred and thirty-five of the resolves of nineteen hundred and fifty-seven, is hereby revived and continued for the purpose of continuing its investigation and study relative to the creation of a metropolitan district and a metropolitan planning council, and certain related matters. Said commission shall, in the course of its investigation and study, consider the subject matter of current house document numbered 413, relative to authorizing the metropolitan district commission to make land available in Marlborough, Southborough and Framingham for the construction of an airport; of current house document numbered 2009, relative to the basis of assessments in the metropolitan parks district; and of current house document numbered 2538, increasing the scope of the special commission established to investigate and study the creation of a metropolitan district and a metropolitan planning council, and certain related matters. Said commission shall be provided with quarters in the state house or elsewhere and may expend for clerical or other assistance the balance available in item 0258-15 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate at such time or times as it may deem desirable, and in any event, shall file a final report not later than the last Tuesday of June in the current year.

Approved May 28, 1958.

CHAP. 93. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND INVESTIGATE THE ADVISABILITY OF REPEALING THE PROVISIONS OF LAW REQUIRING THE COOKING OF GARBAGE BEFORE FEEDING TO SWINE AND RELATIVE TO METHODS OF RELIEVING ECONOMIC DISTRESS RESULTING FROM SUCH PROVISIONS IF REPEAL THEREOF IS NOT DEEMED TO BE ADVISABLE.

Resolved, That the unpaid special commission established by chapter eighty-nine of the resolves of nineteen hundred and fifty-seven, is hereby revived and continued for the purpose of continuing its investigation and study relative to the advisability of repealing the provisions of law requiring the cooking of garbage before feeding to swine, and relative to methods of relieving economic distress resulting from such provisions if repeal thereof is not deemed to be advisable.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for expert, clerical and other expenses the unexpended balance of the amount appropriated in item 0258-10 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven and such additional sums as may be appropriated therefor.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December. *Approved June 4, 1958.*

CHAP. 94. RESOLVE CONTINUING THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO RADIOACTIVE MATERIALS.

Resolved, That the department of public health is hereby authorized and directed to continue the investigation and study, authorized by chapter one hundred and six of the resolves of nineteen hundred and fifty-seven, relative to regulatory and protective measures pertaining to radioactive materials. For the purpose of continuing said investigation and study said department may spend the unexpended balance of the sum appropriated by item 2002-29 of section two of chapter seven hundred and seventy-one of the acts of nineteen hundred and fifty-seven.

Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved June 9, 1958.

CHAP. 95. RESOLVE PROVIDING FOR A STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF ENACTING A SHARE INSURANCE LAW FOR CREDIT UNIONS.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof; three members of the house of representatives to be designated by the speaker thereof;

four persons to be appointed by the governor, two of whom shall be from credit unions which are members of the Massachusetts CUNA Association, Inc., and two of whom shall be from credit unions which are members of the Credit Union League of Massachusetts, Inc.; and the commissioner of banks or an employee in his department whom he may authorize to act as his representative, is hereby established for the purpose of conducting a study as to the advisability of enacting a law insuring share liabilities in credit unions. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, and may expend for clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved June 9, 1958.

CHAP. 96. RESOLVE PROVIDING FOR A STUDY BY THE WATER RESOURCES COMMISSION OF THE WATERS OF THE WARE, QUABOG AND QUINEBAUG RIVER VALLEYS.

Resolved, That the water resources commission is hereby authorized and directed to make a study of the water resources of the Ware, Quabog and Quinebaug river valleys. Said commission shall consult with the appropriate officers and boards of the municipalities and counties affected, shall hold at least one public hearing, giving proper notice thereof, and may request the assistance of such governmental agencies, local, state and federal as will further the purpose herein set forth. Said commission may expend for engineering, technical and clerical assistance and expenses such sums as may hereafter be appropriated therefor. Said commission shall report from time to time to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, and shall file its final report with the clerk of the senate on or before the first Wednesday of March in the year of nineteen hundred and fifty-nine.

Approved June 9, 1958.

CHAP. 97. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE UNIFORM COMMERCIAL CODE.

Resolved, That the unpaid special commission established by section twenty of chapter seven hundred and sixty-five of the acts of nineteen hundred and fifty-seven and revived and continued by chapter forty-six of the resolves of the current year, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 612, relative to amending the effective date of the Uniform Commercial Code.

Said commission shall report to the general court the results of its investigation and study of the subject matter of said house document numbered 612, and its recommendations, if any, together with drafts of

legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before June twenty-fourth in the current year. *Approved June 9, 1958.*

CHAP. 98. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE STATE ADVISORY COUNCIL IN THE DIVISION OF EMPLOYMENT SECURITY RELATIVE TO THE ELIGIBILITY FOR EMPLOYMENT SECURITY BENEFITS OF PERSONS WHO ARE UNEMPLOYED BECAUSE OF THE LOSS OF LICENSES TO OPERATE MOTOR VEHICLES.

Resolved, That the state advisory council in the division of employment security is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 1320, relative to clarifying the eligibility provisions of drivers under the employment security law. Said council shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year. *Approved June 10, 1958.*

CHAP. 99. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY LAND USE AND PRESERVATION OF FARMING.

Resolved, That the unpaid special commission, established by chapter seventy-six of the resolves of nineteen hundred and fifty-seven, to make an investigation and study of land use in the commonwealth, is hereby revived and continued for the purpose of continuing its investigation and study. Said commission shall consult and co-operate with appropriate government agencies, officials of town governments, state farm organizations and others for the purpose of ensuring such use of agricultural land and farming as to ensure its proper preservation. Said commission shall investigate the subjects of taxation, zoning, and eminent domain as they relate to agriculture and farming, and such legislative or administrative activities which affect agriculture. Said commission shall be provided with quarters in the state house or elsewhere, and may expend for clerical assistance, expert and other assistance, the unexpended balance of the amount appropriated by item 0258-05 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven and such additional sums as may be appropriated therefor. Said commission may hold hearings, may summon and examine witnesses and require by subpoena the production of books and papers, and may travel within and without the commonwealth in the performance of its duties. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Tuesday in December in the current year. *Approved June 10, 1958.*

- CHAP. 100. RESOLVE PROVIDING FOR A FURTHER STUDY AND INVESTIGATION BY THE DEPARTMENT OF MENTAL HEALTH RELATIVE TO THE PROGRESS OF PSYCHIATRIC AND ADJUNCTIVE SERVICES NOW PROVIDED FOR THE COURTS AND CORRECTION FACILITIES.

RESOLVED, That the department of mental health is hereby authorized and directed to continue its study and investigation relative to the progress of psychiatric and adjunctive services now provided for the courts and correction facilities of the commonwealth and its study and investigation into pertinent matters regarding responsibility and competency as defined by law and determined in the courts of the commonwealth, until the first Wednesday of December, nineteen hundred and fifty-eight, at or before which time said department shall report to the general court by filing with the clerk of the house of representatives the results of said study and investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect. For the purposes of this resolve there may be expended such sums as may be appropriated therefor.

Approved June 10, 1958.

- CHAP. 101. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE WATER RESOURCES COMMISSION RELATIVE TO THE WATER SUPPLY OF MUNICIPALITIES IN THE MERRIMACK RIVER VALLEY.

Resolved, That the water resources commission is hereby authorized and directed to investigate and determine the best method of supplying water to municipalities in the Merrimack River Valley.

Said commission shall investigate the availability of water supply sources, including underground waters, and the advisability of taking water from the metropolitan water supply system or the possibility of developing sources of water supply in the state of New Hampshire. Said commission may co-operate with any appropriate federal agency and with the appropriate water resources agency in the state of New Hampshire.

Said commission may expend for the employment of engineers, geologists and other experts and assistants, and for other expenses, such sums as may be appropriated therefor.

Said commission may report to the general court from time to time the results of its investigation and its recommendations, if any, with plans showing possible water resource developments for said municipalities and estimates of cost, and drafts of legislation to carry such recommendations into effect, by filing the same with the clerk of the senate, and shall so file its final report not later than the first Wednesday in December in the year nineteen hundred and fifty-nine.

Approved June 10, 1958.

CHAP. 102. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE MOTOR VEHICLE LAWS AND THE INSURANCE LAWS AS THEY RELATE TO MOTOR VEHICLES AND CERTAIN RELATED MATTERS AND EXTENDING THE TIME FOR FILING ITS FINAL REPORT.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-five of the resolves of nineteen hundred and fifty-six and revived and continued by chapter twenty-seven of the resolves of the current year for the purpose of making an investigation and study of the motor vehicle laws and the insurance laws as they relate to motor vehicles and certain related matters, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 26, relative to creating a state rating bureau to assist in the fixing and establishing of reasonable, just and non-discriminatory premium charges for compulsory motor vehicle liability insurance; 336, relative to providing that insurance companies under the compulsory motor vehicle insurance law may make premium charges at a lesser rate than the rate which is fixed and established by the commissioner of insurance; and of current house documents numbered 176, relative to requiring the commissioner of insurance to fix separate rates for owners of motor vehicles in the assigned risk pool, so called, based upon the percentage of their own accident losses; 177, relative to extending the coverage of compulsory motor vehicle insurance so as to include guest coverage, extra territorial coverage and property damage, providing that the commissioner of insurance shall fix premium charges therefor; 178, relative to increasing the limits of compulsory motor vehicle liability insurance to provide adequate protection for certain injured persons; 180, relative to authorizing insurance companies to sell motor vehicle insurance for less than the maximum rate; 391, relative to providing for the establishment of an office in the city of Springfield of an assigned risks board for compulsory motor vehicle liability insurance; 594, relative to providing for the establishment of a state fund for compulsory motor vehicle insurance; 602, relative to amending the law relating to compulsory motor vehicle insurance and providing for the insuring of licensee on a merit rating basis; 918, relative to providing for the inclusion of property damage coverage in the compulsory motor vehicle insurance act; 1268, relative to repealing the merit rating system; 1274, relative to authorizing insurance companies to sell motor vehicle insurance for less than the maximum rate; 1935, relative to providing for claims under compulsory automobile insurance shall be made under the penalties of perjury; 1937, relative to making certain fraudulent claims under policies of theft insurance a criminal offence; 1944, relative to providing for compulsory property damage insurance coverage for motor vehicles; 1945, relative to establishing the state rating board within the department of insurance; 2235, relative to creating a commission to supervise the operation of the Massachusetts automobile rating bureau; 2236, relative to requiring property damage coverage in the sum of five hundred dollars on every motor vehicle owned, operated and registered in the commonwealth; 2240, relative to the regulation of motor vehicle property damage rates; 2241, relative to requiring property damage coverage in the sum of ten thousand dollars on every motor vehicle owned,

operated and registered in the commonwealth; and 2389, relative to providing that a claim shall not be paid under a motor vehicle liability policy unless such claim is made under the penalties of perjury.

The time within which said unpaid special commission is required to file its final report on the subject matters referred to it is hereby extended to the last Tuesday in December in the current year.

Approved June 10, 1958.

CHAP. 103. RESOLVE ESTABLISHING AN UNPAID SPECIAL COMMISSION TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE HIGH MORTALITY RATE OF PERSONS COMMITTED TO INSTITUTIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HEALTH AND RELATIVE TO THE ESTABLISHMENT OF LOCAL MENTAL HEALTH CLINICS.

Resolved, That an unpaid special commission to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and two persons who have had experience in the field of mental health, to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the high mortality rate of persons admitted or committed to institutions under the jurisdiction of the department of mental health and to consider the advisability of establishing mental health clinics on the community level, within towns, cities and counties, with a view to providing early diagnosis of symptoms of mental illness, community treatment, and community education in mental health. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, and shall have the power to summon witnesses and to require the production of books and records, and the giving of testimony under oath. Said commission may travel within and without the commonwealth and may expend for expert, clerical and other services such amount as may be appropriated therefor.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate not later than the last Tuesday of December, nineteen hundred and fifty-eight.

Approved June 13, 1958.

CHAP. 104. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HUNTING AND FISHING WITHIN THE COMMONWEALTH AND CERTAIN MATTERS RELATING THERETO.

Resolved, That the unpaid special commission, established by chapter eighty-four of the resolves of nineteen hundred and fifty-five and most recently revived and continued by chapter forty-two of the resolves of nineteen hundred and fifty-eight, shall, in the course of its investigation and study, consider the subject matter of the investigation and study proposed by current house document numbered 3085, relative to the development of natural resources and related matters.

Approved June 13, 1958.

CHAP. 105. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO THE REMOVAL OF SUBSTANCES POLLUTING CERTAIN WATERWAYS AND CHARGING THE COST THEREOF TO THE PERSON RESPONSIBLE FOR SUCH POLLUTION.

Resolved, That the department of public works, through its division of waterways, and the department of public health, acting jointly, are hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 320, relative to providing that the department of public works remove substances polluting certain waterways and charge the cost thereof to the person responsible for such pollution. For such purposes the said departments, acting jointly, may expend such sums as may be appropriated therefor. The said departments shall report jointly to the general court the results of their investigation and study, and their recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved June 18, 1958.

CHAP. 106. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE NEED FOR ADMINISTRATION AND REGULATION OF HEALTH AND WELFARE TRUST FUNDS IN THE COMMONWEALTH.

RESOLVED, That the unpaid special commission established by chapter one hundred and seven of the resolves of nineteen hundred and fifty-five, most recently revived and continued by chapter one hundred and fifty-six of the resolves of nineteen hundred and fifty-six, and the time for filing its final report extended by chapter one hundred and thirteen of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 490, 501, 502, 503, 510 and 513. Said commission is hereby authorized to administer oaths to witnesses appearing before it.

Approved June 24, 1958.

CHAP. 107. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO RADIOACTIVE MATERIALS.

RESOLVED, That the investigation and study by the department of public health relative to radioactive materials, authorized by chapter one hundred and six of the resolves of nineteen hundred and fifty-seven and continued by chapter ninety-four of the resolves of the current year, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 1723, relative to requiring certain records to be kept by persons who take X-ray pictures.

Approved June 24, 1958.

CHAP. 108. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE ADVISABILITY AND FEASIBILITY OF THE COMMONWEALTH PROVIDING LOANS TO LOCAL INDUSTRIAL DEVELOPMENT CORPORATIONS.

Resolved, That the unpaid special commission established by chapter eighty-six of the resolves of nineteen hundred and fifty-seven is hereby revived and continued for the purpose of continuing its investigation and study relative to the advisability and feasibility of providing loans and grants in aid by the commonwealth for the purpose of aiding local industrial development corporations, with a view to recommending such changes in the laws or such additions thereto as the commission may deem advisable. Said commission, in making its investigation and study, shall consider any report or recommendations filed by the legislative research council under the provisions of chapter one hundred and nine of the resolves of nineteen hundred and fifty-six. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within or without the commonwealth and may expend for legal, clerical and other assistance the balance available in item 0258-09 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the last Tuesday of December in the current year.

Approved June 24, 1958.

CHAP. 109. RESOLVE VALIDATING THE ACTS OF KATHLEEN F. WAY OF SWAMPSCOTT AS A NOTARY PUBLIC.

RESOLVED, That the acts of Kathleen F. Way of Swampscott as a notary public between October fifth, nineteen hundred and fifty-four and May twenty-third, nineteen hundred and fifty-eight, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Kathleen A. M. Fairchild, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved June 24, 1958.

CHAP. 110. RESOLVE FURTHER CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PROBLEMS OF TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight and most recently revived and continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, is hereby further continued for the purpose of continuing its investigation and study of matters pertaining to the problems of taxation in the commonwealth.

Said commission shall be provided with quarters in the state house or elsewhere, may travel within and without the commonwealth, and may expend for clerical and other assistance and expenses the unexpended balance available in item 0239-00 of section two of chapter six hundred and eighty-eight of the acts of nineteen hundred and fifty-six, and such additional sums as may be appropriated therefor.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing one or more reports with the clerk of the house of representatives at such time or times as the commission may elect; provided, that said commission shall so file its final report on or before the third Tuesday of January, nineteen hundred and fifty-nine.

Approved June 27, 1958.

CHAP. 111. RESOLVE CONTINUING THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO EQUINE ENCEPHALITIS.

Resolved, That the department of public health is hereby authorized and directed to continue the investigation and study authorized by chapter thirty-seven of the resolves of nineteen hundred and fifty-seven relative to the spread and the means of control of equine encephalitis, otherwise known as horse sleeping sickness, which causes a fatal disease in man. Said department shall, in the course of its investigation and study, confer and co-operate with such agencies of the commonwealth or any political divisions thereof, and with such civic and other associations or organizations as may be engaged in making a study and investigation of said disease. Said department shall also invite the assistance and co-operation of the public health service and any other federal agency that may have an interest in the problem. For said purpose said department may expend for services, travelling expenses, materials, equipment and supplies, the unexpended balance made available by said chapter thirty-seven of the resolves of nineteen hundred and fifty-seven and an additional sum not exceeding ten thousand dollars from sums available in item 2003-01 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven. Said department shall report to the general court the results of its study and investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 27, 1958.

CHAP. 112. RESOLVE AUTHORIZING THE CONTINUANCE OF AN INVESTIGATION RELATIVE TO THE STUDY OF THE ELIMINATION OR CONTROL OF SUBMERGED WEEDS IN CERTAIN GREAT PONDS OF THE COMMONWEALTH.

Resolved, That the department of public health, the department of public works and the department of natural resources, acting as a joint board, and directed by chapter sixty-seven of the resolves of nineteen

hundred and fifty-three, to make a survey and investigation relative to the elimination and control of submerged weeds in certain great ponds and tidal estuaries of the commonwealth, and authorized by chapter twenty-eight of the resolves of nineteen hundred and fifty-five to continue its investigation and survey, is hereby further authorized and directed to continue said investigation and survey. The said joint board shall report to the general court the final results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry out the same by filing the same with the clerk of the house of representatives on or before the first Wednesday in December, nineteen hundred and fifty-nine. For the purposes of carrying out the provisions of this resolve the said joint board may expend the unexpended balance of item 2002-25 of section two of chapter seven hundred and eighty-four of the acts of nineteen hundred and fifty-five and such sums as may be appropriated therefor. *Approved June 27, 1958.*

CHAP. 113. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight and most recently revived and continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven shall, in making its investigation and study, consider the subject matter of current senate document numbered 221, relative to increasing the exemptions, for income tax purposes, allowed for certain mentally retarded children.

Approved June 28, 1958.

CHAP. 114. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE NEED FOR ADMINISTRATION AND REGULATION OF HEALTH AND WELFARE TRUST FUNDS IN THE COMMONWEALTH.

Resolved, That the unpaid special commission established by chapter one hundred and seven of the resolves of nineteen hundred and fifty-five, and the time for filing its final report extended by chapter one hundred and thirteen of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 1494, relative to clarifying the law regulating health, welfare and retirement funds; 1496, relative to making discretionary powers and duties of the board which will regulate health, welfare and retirement funds; 1509, relative to health and welfare funds; 1764, relative to regulation of health, welfare and retirement funds in the commonwealth; 2138, relative to further defining the rule making power of the health, welfare and retirement funds board; and 2139, relative to recognizing qualified deferred profit-sharing plans as not requiring further regulation under the health, welfare and retirement funds law.

Approved June 28, 1958.

CHAP. 115. RESOLVE IN FAVOR OF RALPH PAOLILLO, FATHER OF ROBERT PAOLILLO A MINOR.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, and subject to appropriation, the metropolitan district commission shall certify for payment and there shall be paid out of the state treasury to Ralph Paolillo, father of Robert Paolillo, a minor, of Arlington, the sum of fifteen hundred dollars as compensation for personal injuries to said Robert Paolillo and as reimbursement for medical, hospital and nursing expenses arising out of an accident occurring on the third day of August, nineteen hundred and fifty-seven, as a result of the operation of a metropolitan district commission police boat at Sandy Beach in Arlington when said Robert Paolillo was injured by the propeller blade of said boat. No payment shall be made hereunder until there has been filed with the comptroller an agreement signed by said Ralph Paolillo that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the amount payable hereunder.

Approved June 28, 1958.

CHAP. 116. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY RELATIVE TO CONSTRUCTING AN OUTLET FROM LITTLE HARBOR IN THE TOWN OF COHASSET TO THE ATLANTIC OCEAN.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to constructing an outlet from Little Harbor in the town of Cohasset to the Atlantic Ocean. For said purposes, said department may expend such sums as may be appropriated therefor. The department shall report to the general court the results of its investigation and study, together with drafts of legislation necessary to carry its recommendations, if any, into effect by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved July 1, 1958.

CHAP. 117. RESOLVE VALIDATING THE ACTS OF CLARA G. MANIATTY AS A NOTARY PUBLIC.

Resolved, That the acts of Clara G. Maniatty of Chicopee Falls as a notary public between February ninth, nineteen hundred and fifty-three and July nineteenth, nineteen hundred and fifty-seven, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Clara H. George, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved July 1, 1958.

CHAP. 118. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO WATERWAY AND HIGHWAY ACTIVITIES.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current senate documents numbered 552, authorizing the department of public works to improve flood channels of the Blackstone River in the towns of Millville and Blackstone, to raise a railroad bridge in the town of Millville and to do other appurtenant work; and 708, providing for an investigation and study by a special commission relative to the construction of a state pier in the city of Salem; of current house documents numbered 483, providing for a study and survey of the land area of Plum Island within the city of Newburyport and the towns of Newbury, Rowley and Ipswich for the purpose of defining and establishing a master plan for the future development and preservation of said Plum Island; and 3036, authorizing the department of public works to cover over the North River Canal in Salem. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of January, nineteen hundred and fifty-nine. *Approved July 8, 1958.*

CHAP. 119. RESOLVE AUTHORIZING THE STATE TAX COMMISSION TO MAKE A STUDY RELATIVE TO THE COLLECTION OF INHERITANCE AND ESTATE TAXES, TO REVISING THE METHOD OF DETERMINING THE STATE TAX APPORTIONMENT, AND TO THE ABATEMENT OF EXCISE TAXES ON MOTOR VEHICLES.

Resolved, That the state tax commission is hereby authorized and directed to study the subject matter of current senate document numbered 695, a report of the Legislative Research Council relative to collection of inheritance and estate taxes; the subject matter of current house documents numbered 1119 and 2149, relative to revising the method of determining the state tax apportionment; and 2440, relative to abatement of excise taxes on motor vehicles. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year. *Approved July 8, 1958.*

CHAP. 120. RESOLVE VALIDATING THE ACTS OF R. EMILY J. ABBOTT AS A NOTARY PUBLIC.

Resolved, That the acts of R. Emily J. Abbott of Gloucester as a notary public between May thirtieth, nineteen hundred and fifty-five and May thirty-first, nineteen hundred and fifty-eight, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from R. Emily Johnson, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved July 21, 1958.

CHAP. 121. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE OPERATION OF MOTOR VEHICLES, ESPECIALLY WITH REFERENCE TO THE PENALTIES FOR MANSLAUGHTER AND OTHER OFFENCES CAUSING DEATH OR INJURY.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 724, relating to the operation of motor vehicles, especially with reference to the penalties for manslaughter and other offences causing death or injury, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and fifty-eight.

Approved July 21, 1958.

CHAP. 122. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO WATERWAY AND HIGHWAY ACTIVITIES.

Resolved, That the department of public works, authorized by chapter one hundred and eighteen of the resolves of the current year to make an investigation and study relative to waterway and highway activities, shall include in said investigation and study the subject matter of current house documents numbered 1126, relating to obstructions and repairs at crossings; 1127, regulating the abolition of grade crossings; 1553, relating to protection at railroad crossings; and 2920, authorizing and directing the department of public works to construct an access road to Plum Island and a drawbridge over the Plum Island River within the town of Newbury.

Approved July 21, 1958.

CHAP. 123. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO WATERWAY AND HIGHWAY IMPROVEMENTS.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current senate documents numbered 304, relative to authorizing the department of public works to widen Danforth brook in the town of Hardwick; 305, relative to authorizing the department of public works to divert the waters of Beaman's brook in the town of Hardwick; and 306, relative to authorizing the division of waterways in the department of public works to make certain improvements in Hardwick pond; and of current house documents numbered 85, relative to the payment by the department of public works of claims for extra work or materials; and 155, relative to providing for the improvement of the Spicket river in the city of Lawrence by the department of public works; of the study proposed by current house document numbered 156, relative to dredging and making navigable certain rivers in Essex county; of current house documents numbered 282, relative to providing for the construction of an access way from land of Dennis Coehis in Canton to Route 138; 377, relative to authorizing the department of public works to reconstruct certain dams on Hovey pond, Flints pond and Lake Quinsigamond in the towns of Grafton and Shrewsbury; 556, relative to authorizing the

department of public works to construct a play area in the Monastery housing project in the Brighton district of the city of Boston; 561, relative to authorizing the department of public works to widen the underpass on Union street in the city of Westfield; 562, relative to authorizing the department of public works to widen the underpass on East Mountain road in the city of Westfield; 576, relative to authorizing the department of public works to post directions to the site of the Old North Church in the city of Boston; 587, relative to providing for the construction of a pedestrian overpass in the city of Chelsea; 593, relative to the reconstruction of the intersection of U. S. Route 1 and the Newburyport turnpike in the town of Danvers; 838, relative to authorizing and directing the department of public works to abolish the grade crossing over the New Haven Railroad on Tremont street near Granite street in Taunton; 839, relative to authorizing and directing the department of public works to abolish the grade crossing over the New Haven Railroad on Oak street in Taunton; 896, relative to authorizing the department of public works to dredge and construct a channel in the Connecticut river in the vicinity of the Holyoke-South Hadley bridge; 899, relative to providing for the widening of the bridge in the city of Medford known as the Harvard street bridge in South Medford for the purpose of eliminating dangerous conditions presently existing there; 1225, relative to authorizing and directing the department of public works to improve and develop Furnace brook and Black's creek and the area adjacent thereto in the city of Quincy; 1227, relative to authorizing the department of public works to clean and dredge Sales creek adjacent to Eliot and Standish road in the city of Revere; 1228, relative to the construction of a sea wall in the East Boston district of the city of Boston; 1229, relative to providing for the dredging of the channel adjacent to the Point of Pines Yacht Club in the city of Revere; 1230, relative to flood control of the Ten Mile river in the city of Attleboro and the town of North Attleborough; 1609, relative to providing for the dredging of Bartlett pond in the town of Plymouth; 1881, relative to the licensing of private aids to navigation in the harbors, tide and inland waters of the commonwealth; 1883, relative to authorizing and directing the department of public works to install a pumping station in the city of Revere; 1884, relative to authorizing and directing the department of public works to construct and maintain a beach in the Jeffries Point section of the city of Boston; 1885, relative to authorizing and directing the department of public works to dredge the areas around the East Boston Yacht Club, the Orient Heights Yacht Club, the Jeffries Point Yacht Club and the Triangle Boat Yard; 1888, relative to providing for the reconstruction of one thousand feet of seawall along Water street in the city of Newburyport; 1904, relative to providing for the protection and improvement of the North Bank of the Merrimack river along the Pawtucket boulevard; 1905, relative to providing for maintenance by the department of public works of the Pawtucket bridge in Lowell; 1930, relative to providing for the construction of the new route 110 south of the Merrimack river from Lawrence to Newburyport; 2228, relative to providing for the construction by the department of public works of a certain overpass in the city of Worcester; 2234, relative to authorizing and directing the department of public works to construct a district office building and maintenance station in the vicinity of the intersection of Routes 5 and 116, after the

relocation of same; 2388, relative to the use of rock salt and similar compounds on the public highways within the commonwealth; 2449, relative to providing for the acquisition by the department of public works of Fort Phoenix and Fort Phoenix beach in Fairhaven, and its development by the division of public beaches; 2629, relative to authorizing the department of public works to provide for uniform marking of certain tidal streams of the commonwealth; and 2919, relative to authorizing and directing the department of public works, division of waterways, to construct and maintain stone groins or jetties along the shore of Plum island within the city of Newburyport and the town of Newbury. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved July 24, 1958.

CHAP. 124. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HUNTING AND FISHING WITHIN THE COMMONWEALTH AND CERTAIN MATTERS RELATING THERETO.

Resolved, That the unpaid special commission, established by chapter eighty-four of the resolves of nineteen hundred and fifty-five, and most recently revived and continued by chapter forty-two of the resolves of the current year, shall include in its investigation and study the subject matter of current senate document numbered 85, authorizing and directing the department of natural resources to construct a ski tow on Mount Grace in the town of Warwick; and of current house documents numbered 808, authorizing the revaluation of certain land in the towns of Florida, Savoy and Clarksburg taken by the department of natural resources, for the purpose of adjusting the amounts of money paid each town by the commonwealth for the land taken in lieu of taxes; 2709, authorizing the department of natural resources to expend certain moneys for the purchase of fire equipment, for the payment of salaries of certain employees of the bureau of forest fire control of the division of forests and parks of the department of natural resources and for the maintenance of forests and roads and fire trails therein; and 2975, providing for the establishment of a state forest park in the Middlefield State Forest.

Approved July 24, 1958.

CHAP. 125. RESOLVE ESTABLISHING AN UNPAID SPECIAL COMMISSION TO MAKE AN INVESTIGATION AND STUDY OF THE LAWS OF THE COMMONWEALTH RELATIVE TO THE ADMITTANCE, TREATMENT AND RELEASE OF PATIENTS IN INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF MENTAL HEALTH.

Resolved, That an unpaid special commission, to consist of three members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby

established for the purpose of making an investigation and study of the laws of the commonwealth relative to the admittance, treatment, and release of patients in mental institutions under the control of the department of mental health, and related matters. Said commission, in the course of its investigation and study, shall in particular consider the laws relating to the methods of commitment, treatment and release of patients. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, and may call upon officials or employees of the commonwealth or any other person to contribute such information as the commission may require in the course of its investigation and study. Said commission may expend for clerical and other services and expenses such sums as may be appropriated therefor, and shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved July 24, 1958.

CHAP. 126. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF PURCHASING, LEASING OR ERECTING A BUILDING IN THE CITY OF FALL RIVER AND IN THE CITY OF NEW BEDFORD TO HOUSE THE VARIOUS BRANCHES OF THE STATE DEPARTMENTS LOCATED IN SAID CITIES.

Resolved, That an unpaid special commission, to consist of three members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, one person to be designated by the governor, the commissioner of administration and the state superintendent of buildings, is hereby established for the purpose of making an investigation and study of the advisability of purchasing, leasing or erecting a building in the city of Fall River and in the city of New Bedford to house the various branches of the state departments located in said cities. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may travel within the commonwealth, and may expend for clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Monday of December in the current year.

Approved July 24, 1958.

CHAP. 127. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CERTAIN MATTERS RELATING TO VETERANS AFFAIRS.

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby

established for the purpose of making an investigation and study of the subject matter of current senate document numbered 421, relative to providing for a soldiers' home in Essex county; of current house documents numbered 1003, relative to benefits to certain persons who served in the armed forces of the United States during hostilities in Korea; 1387, relative to extending entitlement to the Korean bonus to certain persons entitled to similar benefits under federal law; 1446, relative to establishing the office of supervisor of graves; of the investigation and study proposed by current house document numbered 1685, relative to determining the feasibility of inaugurating a Massachusetts veterans farm and home purchase assistance program; of current house documents numbered 1686, relative to providing for reimbursement to cities and towns of fifty per cent of the administrative expenses involved in administering veterans' benefits and veterans' services; 2041, relative to increasing the rate of pay for bandsmen in the armed forces of the commonwealth; 2283, relative to providing suitable recognition of certain residents of the commonwealth who served in the armed forces of the United States; and 2285, relative to further defining the word "veteran".

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers, may travel within and without the commonwealth, and may expend for clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved July 24, 1958.

CHAP. 128. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CONTINUATION OF THE TRANSPORTATION SERVICE IN THE AREAS SERVED BY THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY, THE BOSTON & MAINE RAILROAD AND THE BOSTON & ALBANY RAILROAD AND THE RELOCATION OF THE SOUTH STATION TERMINAL.

Resolved, That the special unpaid commission established by chapter one hundred and fifty-two of the resolves of nineteen hundred and fifty-six, and most recently revived and continued by chapter forty-three of the resolves of the current year, is hereby further revived and continued for the purpose of continuing its investigation and study relative to the continuation of freight and passenger service on the Old Colony Division, the Boston and Providence Division, and the Providence and Worcester Division, of the New York, New Haven & Hartford Railroad Company, including the Hyde Park and Readville districts, and the New England Transportation Company and The Boston Terminal Corporation, and to the entire problem of transportation service in the area south and east of Boston. Said commission shall consider the reports of recess commissions previously established by

resolves of the general court, relating to the investigation of transportation facilities, and such evidence, including the testimony of experts, as it may deem advisable. Said commission shall investigate and study the continuation of freight and passenger service in the territory covered by the Boston & Maine Railroad and the Boston & Albany Railroad and the relocation of the South Station terminal. Said commission may call upon the department of public utilities and other departments, boards, commissions and officers of the commonwealth for such information as it may desire in the course of its investigation. Said commission shall investigate the application and effect of the segregation formula and allocation of expenses on profit or loss of the Old Colony Division of the New York, New Haven & Hartford Railroad Company, and include in its report its finding concerning the same. Said commission shall be provided with quarters in the state house or elsewhere, shall hold public hearings, shall have the power to summon witnesses and to require the production of books, records, contracts and papers, and the giving of testimony under oath. Said commission may travel within and without the commonwealth and may expend the unexpended balance of the amount appropriated in item 0257-22 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated for expert, clerical and other services and expenses. Said experts shall be appointed by the commission. Said commission shall report to the general court the results of its study and investigation by filing the same, together with such plans, statistics and drafts of legislation as it may deem necessary or appropriate, with the clerk of the senate from time to time, but its final report shall be filed not later than the last Tuesday of December in the current year.

Approved July 29, 1958.

CHAP. 129. RESOLVE FURTHER REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN DISTRICT AND A METROPOLITAN PLANNING COUNCIL, AND CERTAIN RELATED MATTERS.

Resolved, That the unpaid special commission, established by chapter one hundred and thirty-five of the resolves of nineteen hundred and fifty-seven and revived and continued by chapter ninety-two of the resolves of the current year, is hereby further revived and continued for the purpose of continuing its investigation and study relative to the creation of a metropolitan district and a metropolitan planning council, and certain related matters. Said commission shall be provided with quarters in the state house or elsewhere and may expend for clerical or other assistance the balance available in item 0258-15 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate at such time or times as it may deem desirable, and in any event, shall file a final report not later than the last Tuesday of December in the current year.

Approved August 1, 1958.

CHAP. 130. RESOLVE ESTABLISHING AN UNPAID SPECIAL COMMISSION TO INVESTIGATE AND STUDY THE ADVISABILITY OF FILLING AND IMPROVING SOUTH BAY AND THAT PART OF FORT POINT CHANNEL ABOVE THE EASTERLY SIDE OF THE HIGHWAY BRIDGE OVER SAID CHANNEL AT DORCHESTER AVENUE IN THE CITY OF BOSTON.

Resolved, That an unpaid special commission, to consist of the commissioner of public works of the commonwealth, the chairman of the Massachusetts Port Authority and the commissioner of public works of the city of Boston is hereby established to make an investigation and study of the advisability of filling and improving the South Bay and that part of Fort Point channel above the easterly side of the highway bridge over said channel at Dorchester avenue in the city of Boston. In the course of its investigation and study, said commission shall consider the report made to the general court by the Port of Boston Authority in accordance with chapter thirty-six of the resolves of nineteen hundred and forty-nine, and shall also consider the changes and improvements made in said area since said report including the action taken by the state department of public works under chapter six hundred and thirty-eight of the acts of nineteen hundred and fifty-four, and the laying-out and construction of the John F. Fitzgerald Expressway.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Wednesday of January in the year nineteen hundred and fifty-nine.

Approved August 6, 1958.

CHAP. 131. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE SPECIAL COMMISSION ON TAXATION.

Resolved, That the unpaid special commission, known as the special commission on taxation, established by chapter eighty-six of the resolves of nineteen hundred and forty-eight and most recently continued by chapter one hundred and two of the resolves of nineteen hundred and fifty-seven, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 240, relative to providing for the reimbursement by the commonwealth of cities and towns on account of tax exemptions granted to veterans; 816, relative to providing for payments in lieu of taxes on property acquired by the commonwealth on or after January first, nineteen hundred and fifty-nine; 1108, relative to increasing income tax deductions for dependents; 1118, relative to requiring the commonwealth to reimburse cities and towns for certain exemptions granted on real estate; 1520, relative to providing for payments in lieu of taxes on property acquired by the commonwealth on or after July first, nineteen hundred and fifty-seven; 1785, relative to providing for reimbursement by the commonwealth of cities and towns of twenty-five per cent of the assessed valuation of lands taken on behalf of the commonwealth; and 2142, relative to providing for payments in lieu of taxes on property acquired

by the commonwealth for highway purposes in the years nineteen hundred and forty-eight to nineteen hundred and fifty-seven, inclusive.

Approved August 11, 1958.

CHAP. 132. RESOLVE EXTENDING THE TIME WITHIN WHICH THE WATER RESOURCES COMMISSION SHALL FILE ITS REPORT ON THE WATER RESOURCES AND SEWERAGE DISPOSAL FACILITIES OF PLUM ISLAND AND INCREASING THE SCOPE OF SAID SURVEY.

Resolved, That the time within which the water resources commission shall make its report to the general court of its survey of the water resources and sewerage disposal facilities of Plum Island, as authorized by chapter seventy-three of the resolves of nineteen hundred and fifty-seven, is hereby extended to the fourth Wednesday of January, nineteen hundred and fifty-nine. In carrying out said survey the water resources commission may enter upon all of the lands, private and public, in the towns of Newbury and Rowley and the city of Newburyport with the view of locating a source of water supply for Plum Island.

Approved August 11, 1958.

CHAP. 133. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PAYMENT BY THE COMMONWEALTH TO THE TOWN OF AMHERST OF A SUM OF MONEY IN LIEU OF TAXES ON CERTAIN BUILDINGS.

Resolved, That an unpaid special commission, to consist of one member of the senate to be designated by the president thereof, two members of the house of representatives to be designated by the speaker thereof, the tax commissioner or his representative, the chairman of the board of selectmen and the chairman of the board of assessors of the town of Amherst, the president of the University of Massachusetts or his representative, and the president of Amherst College or his representative, is hereby established for the purpose of making an investigation and study of the subject matter of current house document numbered 2856, relative to providing for the payment of a sum of money by the commonwealth to the town of Amherst of a sum of money in lieu of taxes on buildings on the grounds of the University of Massachusetts used for faculty housing.

Said commission shall be provided with quarters at the University of Massachusetts or elsewhere, shall hold public hearings, may sit during the recess of the general court, and may expend for clerical and other assistance such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved August 15, 1958.

CHAP. 134. RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO RADIOACTIVE MATERIALS.

Resolved, That the department of public health, authorized and directed by chapter ninety-four of the resolves of the current year to continue its investigation and study of radioactive materials, is hereby authorized and directed to include in its investigation and study the subject matter of current house document numbered 2162, in so far as said document relates to authorizing the commercial motor vehicle division of the department of public utilities to regulate the transportation and handling of radioactive materials.

Approved August 15, 1958.

CHAP. 135. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN TRANSIT COMMISSION TO STUDY THE EXTENSION OF RAPID TRANSIT SERVICE THROUGHOUT THE AREA SERVED BY THE METROPOLITAN TRANSIT AUTHORITY AND RELATIVE TO TRANSPORTATION FACILITIES IN THE BOSTON METROPOLITAN AREA.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-one of the resolves of nineteen hundred and fifty-seven, and most recently revived and continued by chapter fifty-three of the resolves of the current year, shall in the course of its investigation and study consider the subject matter of current house document numbered 2018, authorizing and directing the Metropolitan Transit Authority to remove the elevated structure on Washington street in the city of Boston.

Approved August 25, 1958.

CHAP. 136. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CONTINUATION OF THE TRANSPORTATION SERVICE IN THE AREAS SERVED BY THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Resolved, That the unpaid special commission, established by chapter one hundred and fifty-two of the resolves of nineteen hundred and fifty-six and most recently revived and continued by chapter one hundred and twenty-eight of the resolves of the current year, to make an investigation and study relative to the continuation of the transportation service in the areas served by the New York, New Haven and Hartford Railroad Company, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 530, relative to the exemption from local taxation of the real estate owned by the Boston Terminal Corporation; and 531, relative to the Boston Terminal Corporation, the assessment of its real estate and the payment of taxes thereon; and of current house document numbered 2159, relative to repealing provisions of law relative to the Boston Terminal Company.

Approved August 25, 1958.

CHAP. 137. RESOLVE PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL COMMISSION TO PREPARE PLANS AND PROGRAMS FOR THE CELEBRATION IN THIS COMMONWEALTH TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CIVIL WAR.

Whereas, The years nineteen hundred and sixty-one to nineteen hundred and sixty-five will mark the centennial of the Civil War; and

Whereas, The Congress and certain states of the United States have already established commissions to prepare plans and programs for the proper observance of this great and continuing force in our history; and

Whereas, It is highly fitting that this commonwealth should participate in the said observance and should make proper plans and arrangements therefor; therefore be it

Resolved, That a special unpaid commission, to consist of the governor of the commonwealth, who shall be a member ex officio, three members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and sixteen persons to be appointed by the governor, with the advice and consent of the council, of whom twelve shall be selected from the memberships of the following organizations — The Massachusetts Civil War Centennial Committee of the Sons of Union Veterans of the Civil War; the Massachusetts Commandery of the Military Order of the Loyal Legion; the Massachusetts Civil War Centennial Committee of the Daughters of Union Veterans of the Civil War; the Massachusetts Civil War Centennial Committee of the Auxiliary to the Sons of Union Veterans of the Civil War; the Massachusetts Civil War Centennial Committee of the Ladies of the Grand Army of the Republic; the Massachusetts Civil War Centennial Committee of the Woman's Relief Corps — is hereby established to devise plans and programs for the observance by the commonwealth of said anniversary. Said commission may expend for clerical and other assistance such sums as may be appropriated therefor, and may receive and expend such other funds as may be donated to it for its purposes. Said commission shall be provided with quarters in the state house, or elsewhere, and shall submit its first report and recommendations, if any, to the general court by filing the same, with drafts of legislation to carry such recommendations into effect, with the clerk of the senate on or before the last Tuesday in December in the current year and shall thereafter file an annual report and recommendations, if any, with said clerk and a final report and accounting of funds received and expended not later than May first, nineteen hundred and sixty-six. Said commission shall terminate upon the completion of the duties set forth in this resolve.

Approved August 25, 1958.

CHAP. 138. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE AND STUDY THE SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL IN THE NORTH AND SOUTH METROPOLITAN SEWER DISTRICTS AND THE CITY OF BOSTON, AND THE METROPOLITAN WATER SYSTEM.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-nine of the resolves of nineteen hundred and fifty-six and most recently revived and continued by chapter thirty-six of the resolves of nineteen hundred and fifty-eight, shall in the course of its investigation and study consider the subject matter of current senate document numbered 766, providing for the construction of additional sewers in the north metropolitan sewerage district.

Approved August 25, 1958.

CHAP. 139. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ERECTION OF A STATUE OF CHRISTOPHER COLUMBUS AND OTHER RELATED MATTERS.

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of current senate document numbered 67, providing for an investigation and study by a special commission relative to the erection of a suitable statue or monument in commemoration of Christopher Columbus; and of current house documents numbered 236, providing for the erection of a bronze statue as a memorial in honor of Christopher Columbus; and 342, providing for the construction of a replica of the Sancta Maria. Said commission shall be provided with quarters in the state house or elsewhere, may travel within and without the commonwealth and may expend for clerical and expert services, and for such plans, designs and models, and for such other services and expenses as may be necessary or desirable to accomplish the purposes of this resolve such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives not later than the last Tuesday of December in the current year.

Approved August 25, 1958.

CHAP. 140. RESOLVE PROVIDING FOR A STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ORGANIZATION AND OPERATION OF THE METROPOLITAN DISTRICT COMMISSION AND OTHER MATTERS.

Resolved, That an unpaid special commission to consist of three members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker

thereof, the commissioner of the metropolitan district commission, and four persons to be appointed by the governor, is hereby established for the purpose of making a study of so much of the Governor's Address (Senate document numbered 1, page 31) as relates to defining the functions of the metropolitan district commission and submitting appropriate recommendations for its reorganization; of current house documents numbered 2010, authorizing the metropolitan district commission to relocate the lower reaches of Meeting House Brook in Medford and construct a siphon therein; 2016, authorizing and directing the metropolitan district commission to construct, enlarge and improve its recreational facilities; 2406, providing for the erection of a field house at Saxon E. Foss Park in the city of Somerville; 2845, providing for a study by a special commission relative to the organization and operation of the metropolitan district commission; 2878, authorizing the metropolitan district commission to construct a new stadium in the city of Medford for football and other recreational facilities; and 3058, authorizing and directing the department of natural resources to rebuild the earth dam on Whitehall pond in the town of Rutland. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for expert, legal, clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the fourth Wednesday of January, nineteen hundred and fifty-nine.

Approved August 25, 1958.

CHAP. 141. RESOLVE VALIDATING THE ACTS OF ANNA R. TOSCANO OF WATERTOWN AS A NOTARY PUBLIC.

Resolved, That the acts of Anna R. Toscano of Watertown as a notary public between May thirty-first, nineteen hundred and fifty-eight and July twenty-second, nineteen hundred and fifty-eight, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time she had been qualified to discharge the duties of such office.

Approved August 29, 1958.

CHAP. 142. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO LIABILITY FOR DAMAGE CAUSED BY BLASTING, CONCUSSION OR THE KEEPING OF EXPLOSIVES.

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, four members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of so much of P. D. No. 144 (pages 28-31) as relates to providing that the doctrine of *res ipsa loquitur* shall be applicable in actions for damages caused by blasting or the keeping of explosives;

and of current house document numbered 1298, relative to extending the common law rule of liability irrespective of negligence for rocks thrown by blasting to damage caused by concussion.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for expert, legal, clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved September 26, 1958.

CHAP. 143. RESOLVE PROVIDING FOR A STUDY BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE LAWS RELATING TO CONVALESCENT OR NURSING HOMES, AND TO THE STANDARDS AND COSTS THEREOF.

Resolved, That an unpaid special commission, consisting of two members of the senate, to be designated by the president thereof, three members of the house of representatives, to be designated by the speaker thereof, the commissioner of veterans' services or his representative, the director of the division of hospital facilities of the department of public health, the commissioner of public welfare, and three persons to be appointed by the governor, one of whom shall represent the elderly citizens, one shall represent convalescent or nursing homes and one shall be a licensed physician experienced in hospital administration, is hereby established for the purpose of making a study of the laws governing convalescent or nursing homes and the medical and nursing care of recipients of public aid, the standard of care which should be provided to such recipients, the cost of such care and the comparative cost to the taxpayer of convalescent or nursing home care in private convalescent or nursing homes and in public institutions. Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings and may expend for clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Tuesday in December in the current year.

Approved September 26, 1958.

CHAP. 144. RESOLVE IN FAVOR OF THE WIDOW OF THE LATE GEORGE FINGOLD.

Resolved, That for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late George Fingold, who died during his term as attorney general of the commonwealth, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected.

Approved September 26, 1958.

CHAP. 145. RESOLVE AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO A WARD FOR THE TREATMENT OF CERTAIN PERSONS IN THE LEMUEL SHATTUCK HOSPITAL.

Resolved, That the department of public health is hereby authorized and directed to make a study and investigation of the subject matter of current house document numbered 1430, establishing in the Lemuel Shattuck hospital a ward for the treatment of persons addicted to the chronic use of narcotics and other drugs. Said department shall report to the general court the results of its study and investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing same with the clerk of the house of representatives on or before the fourth Wednesday of December in the current year.

Approved October 3, 1958.

CHAP. 146. RESOLVE IN FAVOR OF BARBARA S. BROWN, MILDRED A. COOPER, VIRGINIA H. MURPHY, PAULINE M. ROSCOE AND JEAN GIBE.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, and after appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Barbara S. Brown of Northampton, whose husband First Lieutenant Richard G. Brown was killed while on duty as a member of the Massachusetts Air National Guard, to Mildred A. Cooper, whose son Staff Sergeant Austin A. Cooper was killed while on duty as a member of the Massachusetts Air National Guard, to Virginia H. Murphy, whose husband Captain John F. Murphy was killed while on duty as a member of the Massachusetts Air National Guard, to Jean Gibe, whose husband Captain Frank A. Gibe, Jr. was killed while on duty as a member of the Massachusetts Air National Guard, and to Pauline M. Roscoe of Quincy, whose husband Sergeant First Class Hugh L. Roscoe was killed while on duty as a member of the Massachusetts National Guard, in each instance, the sum of twenty-five dollars weekly for a period of two hundred weeks, said period to begin January first, nineteen hundred and fifty-nine.

No payment shall be made hereunder to any of the above designated beneficiaries until there shall have been filed with the comptroller an affidavit signed by said beneficiary that no money has been or will be paid to any one to secure the passage of this resolve.

Approved October 3, 1958.

CHAP. 147. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE LAWS RELATING TO FORESTRY.

Resolved, That an unpaid special commission, consisting of the commissioner of agriculture or his designee, the commissioner of natural resources or his designee, the attorney general or his designee, two members of the senate to be designated by the president thereof, and three members of the house of representatives to be designated by the

speaker thereof, is hereby established for the purpose of making an investigation and study of the laws relating to forestry and submitting a revision of chapter one hundred and thirty-two of the General Laws. Said commission shall, in making its investigation and study, consider the subject matter of current house document numbered 61, relative to the promotion of co-operative insect pest and Dutch elm disease control. Said commission shall be provided with quarters in the state house or elsewhere, may travel within the commonwealth, may hold public hearings, and may expend for legal assistance, clerical and other services and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its study and investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, including a revision of said chapter one hundred and thirty-two, by filing the same with the clerk of the senate not later than the first Wednesday of March, nineteen hundred and fifty-nine.

Approved, October 3, 1958.

CHAP. 148. RESOLVE FURTHER INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN RAPID TRANSIT COMMISSION.

Resolved, That the special commission established by chapter one hundred and twenty-one of the resolves of nineteen hundred and fifty-seven, and revived and continued by chapter fifty-three of the resolves of the current year, shall, in the course of its investigation and study, also consider the feasibility of an extension of the rapid transit facilities of the Metropolitan Transit Authority to and into the area presently served by the Old Colony Division of the New York, New Haven and Hartford Railroad Company. Said commission shall cause to be prepared such preliminary plans, estimates of the cost of construction, equipment and acquisition of rights-of-way, together with estimates of passenger traffic potential and anticipated revenues, and such other matters as it deems advisable.

Said commission is hereby authorized to contract with said Authority for the performance of such portions of the work authorized hereunder as it deems advisable, and said Authority is hereby authorized to engage consulting engineers and subcontractors to perform, under the direction of said Authority, such portions of said work as it may deem necessary, and said commission shall reimburse said Authority for expenses incurred by it hereunder.

For the purpose of making surveys and borings in connection with the work authorized under this resolve, the Authority and its subcontractors may enter upon and use public and private ways and lands. Any person injured in his property by such entry or use of his land by the Authority or its subcontractors may recover his damages under chapter seventy-nine of the General Laws.

For the purposes of this resolve said commission may expend such sum as may be appropriated therefor.

Approved October 7, 1958.

CHAP. 149. RESOLVE CONTINUING THE STUDY BY THE STATE TAX COMMISSION RELATIVE TO THE TAXATION OF TRUSTS WITH TRANSFERABLE SHARES AND OF THE DIVIDENDS THEREFROM AND INCREASING THE SCOPE OF SAID STUDY.

Resolved, That the state tax commission is hereby authorized and directed to continue the study authorized by chapter one hundred and fifty-four of the resolves of nineteen hundred and fifty-seven relative to the taxation of trusts with transferable shares and of the dividends therefrom. Said commission shall, in the course of its study, also consider the subject matter of so much of current house documents numbered 1, as relates to elimination of the exemption from the income tax of dividends from trusts with transferable shares, other than investment trusts, and to provide that the amount equivalent to the increased revenue therefrom shall go into the General Fund; and the subject matter of current house documents numbered 6, relative to setting aside unrefunded taxes on aviation gasoline for aeronautical purposes; 111, with respect to the status of property received in certain reorganizations; 119, relative to the taxation of the transfers of estates, legacies and successions; 815, relative to the exemption from taxation of real estate of certain persons over seventy years of age; 819, relative to bringing the grounds for which tax abatements may be granted by appellate tax boards into conformity with the grounds for abatements by assessors; 1514, relative to clarification of the law relative to the combining of net income of two or more domestic corporations in cases where a consolidated federal income tax return is filed; 1516, for the imposition of an income tax on members of partnerships to replace the tax levied on partnerships as separate entities; 1518, relative to the clarification of the law imposing an excise upon certain domestic and foreign business corporations; 1529, relative to providing for a fair and simplified state income tax; 1537, relative to application for abatement of taxes and to appeals from the refusal to abate such taxes; 1774, relative to the clarification of the computation of abatement of certain corporate excise; 1781, relative to the filing of legacy and succession tax returns by fiduciaries and for establishing the procedure thereon; 1784, relative to the definition of net income of business corporations; 2145, relative to granting of tax abatements by local assessors, county commissioners and the appellate tax board; 2148, relative to the taxation of stock in the event of corporate reorganization or merger; and 2335, relative to making certain corrections in the law regarding the taxation of partnerships, associations and trusts with transferable shares.

Said commission may require by summons the attendance and testimony of witnesses under oath and the production of books, papers, records and contracts before it relating to any matter studied by it in pursuance of this resolve. Such a summons may be issued by the commission upon a vote of said commission and shall be served in the same manner as summonses for witnesses in cases before the courts of the commonwealth, and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under authority of this resolve, so far as they are applicable. Any justice of the supreme judicial or of the superior court may, upon application of the commission, compel the attendance of witnesses summonsed as aforesaid, the giving

of testimony before said commission and the production of books, papers, records and contracts in furtherance of any study under this resolve, in the same manner and to the same extent as before said courts.

Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of February, nineteen hundred and fifty-nine.

Approved October 7, 1958.

CHAP. 150. RESOLVE PROVIDING THAT THE SPECIAL COMMISSION ESTABLISHED FOR THE PURPOSE OF MAKING AN INVESTIGATION AND STUDY RELATIVE TO THE ACTIVITIES OF ACCIDENT AND HEALTH INSURANCE COMPANIES, THE ISSUANCE OF CREDIT LIFE, HEALTH AND ACCIDENT INSURANCE TO CREDITORS IN CONNECTION WITH FINANCE CONTRACTS, AND OTHER MATTERS, SHALL MAKE A FURTHER STUDY OF THE ISSUANCE OF CONTRACTS ON A VARIABLE BASIS BY INSURANCE COMPANIES.

Resolved, That the unpaid special commission established by chapter one hundred and three of the resolves of nineteen hundred and fifty-six and revived and continued by chapter forty-one of the resolves of the current year, is hereby authorized and directed to make an investigation and study of the subject matter of Appendix B of current Senate document numbered 815, regulating the issuance of contracts on a variable basis by insurance companies.

Approved October 9, 1958.

CHAP. 151. RESOLVE PROVIDING FOR A CONSOLIDATION AND ARRANGEMENT OF THE SPECIAL LAWS RELATING TO THE CITY OF BOSTON.

Resolved, That an unpaid commission, consisting of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and the counsel to the senate and house of representatives, respectively, is hereby established for the purpose of continuing the work of the unpaid special commission established by chapter twenty-eight of the resolves of nineteen hundred and fifty and revived and continued by chapter forty-three of the resolves of nineteen hundred and fifty-one, chapter ninety-eight of the resolves of nineteen hundred and fifty-two, chapter ninety-five of the resolves of nineteen hundred and fifty-three, and chapter seventy of the resolves of nineteen hundred and fifty-six for the purpose of consolidating and arranging, as provided in said chapter forty-three, all special laws relating to the city of Boston which may be in force and operation at the time of the report hereinafter provided for. The corporation counsel of said city shall prepare for the use of said commission a draft of said consolidation and arrangement; and said commission may call upon such corporation counsel for such other assistance as it may desire. Said commission shall be provided with quarters in the state house or elsewhere, may

hold hearings, may travel within and without the commonwealth, and may expend for assistance and expenses such sums as may be appropriated therefor. Said commission shall complete said consolidation and arrangement and report thereon to the general court by filing the same with the clerk of the senate not later than the last Tuesday of December, nineteen hundred and fifty-nine.

Approved October 9, 1958.

CHAP. 152. RESOLVE FURTHER EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND INVESTIGATE THE NEED FOR ADMINISTRATION AND REGULATION OF HEALTH AND WELFARE TRUST FUNDS IN THE COMMONWEALTH SHALL MAKE ITS FINAL REPORT.

Resolved, That the time within which the unpaid special commission established by chapter one hundred and seven of the resolves of nineteen hundred and fifty-five, and most recently revived and continued by chapter one hundred and fifty-six of the resolves of nineteen hundred and fifty-six, and extended by chapter one hundred and thirteen of the resolves of nineteen hundred and fifty-seven shall submit the final report of its investigation and study is hereby further extended to the first Wednesday of December, nineteen hundred and fifty-nine. Said commission may expend for expenses and legal, clerical and other assistance the balance available in item 0256-14 of section two of chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-seven, and such other sums as may be appropriated therefor.

Approved October 15, 1958.

CHAP. 153. RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED FOR THE PURPOSE OF MAKING AN INVESTIGATION AND STUDY RELATIVE TO THE ACTIVITIES OF ACCIDENT AND HEALTH INSURANCE COMPANIES, THE ISSUANCE OF CREDIT LIFE, HEALTH AND ACCIDENT INSURANCE TO CREDITORS IN CONNECTION WITH FINANCE CONTRACTS, AND OTHER MATTERS, IS REQUIRED TO COMPLETE ITS INVESTIGATION AND STUDY AND FILE ITS FINAL REPORT.

Resolved, That the time within which the unpaid special commission established by chapter one hundred and three of the resolves of nineteen hundred and fifty-six to investigate and study relative to the activities of accident and health insurance companies, the issuance of credit life, health and accident insurance to creditors in connection with finance contracts, and other matters, and revived and continued by chapter forty-one of the resolves of nineteen hundred and fifty-eight, is required to complete its investigation and study and file its final report is hereby extended to the last Tuesday of May, nineteen hundred and fifty-nine.

Approved October 16, 1958.

CHAP. 154. RESOLVE PROVIDING THAT THE SPECIAL COMMISSION ESTABLISHED FOR THE PURPOSE OF MAKING AN INVESTIGATION AND STUDY RELATIVE TO THE ACTIVITIES OF ACCIDENT AND HEALTH INSURANCE COMPANIES, THE ISSUANCE OF CREDIT LIFE, HEALTH AND ACCIDENT INSURANCE TO CREDITORS IN CONNECTION WITH FINANCE CONTRACTS, AND OTHER MATTERS, SHALL MAKE A FURTHER STUDY OF PERMITTING LIFE INSURANCE COMPANIES TO ASSIGN CERTAIN LIFE POLICIES AND ANNUITY CONTRACTS TO A SEPARATE ACCOUNT.

Resolved, That the unpaid special commission established by chapter one hundred and three of the resolves of nineteen hundred and fifty-six and revived and continued by chapter forty-one of the resolves of the current year, is hereby authorized and directed to make an investigation and study of the subject matter of Appendix A of current Senate document numbered 815, to permit life insurance companies to assign life policies and annuity contracts issued in connection with certain pension, profit-sharing, and retirement plans, to a separate account, for the purpose of allocating thereto investment returns and asset gains and losses.

Approved October 16, 1958.

CHAP. 155. RESOLVE CONTINUING THE INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO GREAT PONDS AND CERTAIN OTHER MATTERS.

Resolved, That the department of public works is hereby authorized and directed to continue its investigation and study relative to great ponds and certain other matters authorized by chapter eighty-two of the resolves of nineteen hundred and fifty-seven. The said department may report to the general court from time to time the results of its investigation and study, and shall file its final report, together with recommendations and drafts of legislation necessary to carry its recommendations, if any, into effect, on or before the first Wednesday in June, nineteen hundred and fifty-nine, by filing the same with the clerk of the house of representatives.

Approved October 16, 1958.

CHAP. 156. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF AN ADVANCED TECHNICAL COLLEGE FOR FIRE FIGHTERS.

Resolved, That the unpaid special commission, established by chapter one hundred and fourteen of the resolves of nineteen hundred and fifty-seven, to investigate and study the creation of an advanced technical college for fire fighters, is hereby revived and continued for the purpose of further considering said study and investigation. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for clerical and technical assistants the unexpended balance of item 0258-12 of section two of chapter seven hun-

dred and forty-three of the acts of nineteen hundred and fifty-seven, and such additional sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Tuesday of December in the current year.

Approved October 17, 1958.

CHAP. 157. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE STATE ADVISORY COUNCIL IN THE DIVISION OF EMPLOYMENT SECURITY RELATIVE TO CERTAIN CHANGES IN THE EMPLOYMENT SECURITY LAW.

Resolved, That the state advisory council in the division of employment security is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 638, relative to improving the benefits under the Massachusetts employment security act; 1312, relative to correcting certain abuses under the Massachusetts employment security act; 1640, relative to increasing unemployment compensation benefits payable to recipients thereof with dependent children; and 3235, relative to extending the benefits of the employment security law to certain unemployed during negotiations in any labor dispute. Said council shall report to the general court the results of its investigation and study, together with drafts of legislation necessary to carry its recommendations, if any, into effect, by filing the same with the clerk of the senate on or before the last Tuesday of December in the current year.

Approved October 17, 1958.

CHAP. 158. RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION, ESTABLISHED FOR AN INVESTIGATION AND STUDY RELATIVE TO THE SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL IN THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS AND THE CITY OF BOSTON, AND THE WATER SYSTEMS IN SAID DISTRICTS, SHALL FILE ITS REPORT.

Resolved, That the time within which the unpaid special commission, established by chapter one hundred and twenty-nine of the resolves of nineteen hundred and fifty-six and most recently revived and continued by chapter thirty-six of the resolves of the current year, is required to complete its investigation and study and file its report on matters referred to it is hereby extended to the first Wednesday in May, nineteen hundred and fifty-nine.

Approved October 17, 1958.

CHAP. 159. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CREATION OF A METROPOLITAN RAPID TRANSIT COMMISSION TO STUDY THE EXTENSION OF RAPID TRANSIT SERVICE THROUGHOUT THE AREA SERVED BY THE METROPOLITAN TRANSIT AUTHORITY AND RELATIVE TO TRANSPORTATION FACILITIES IN THE BOSTON METROPOLITAN AREA.

Resolved, That the unpaid special commission established by chapter one hundred and twenty-one of the resolves of nineteen hundred and fifty-seven, and revived and continued by chapter fifty-three of the resolves of the current year, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 1547, relative to prohibiting the department of public utilities from taking action on a petition filed by the Boston and Maine Railroad for authority to curtail and discontinue passenger service in certain areas of the commonwealth; of the investigation and study proposed by current house document numbered 1791, relative to the operation of the Boston and Maine Railroad; or current house document numbered 1794, relative to providing for the creation of the railroad passenger service commission and for the operation by it of all intrastate passenger service of the New York, New Haven and Hartford Railroad Company within the commonwealth in behalf of the commonwealth and for its account; of the investigation and study proposed by current house document numbered 2343, relative to transportation facilities in the Boston metropolitan area; of current house document numbered 2344, relative to directing the department of public utilities to withhold any action on the petition of the Boston and Maine Railroad concerning certain proposals of said railroad until the special commission established to make an investigation and study relative to the continuation of certain railroad services and lines files its final report; and of the investigation and study proposed by current house document numbered 2512, relative to all aspects of mass transportation within the commonwealth.

Approved October 20, 1958.

NUMBER OF ACTS AND RESOLVES APPROVED, ACT
VETOED BY THE GOVERNOR, AND ACTS DECLARED
EMERGENCY LAWS BY THE GOVERNOR UNDER
AUTHORITY OF THE CONSTITUTION.

The general court, during its second annual session held in 1958, passed 654 Acts and 155 Resolves, which received executive approval, and 12 Acts, which received executive approval on October 17, 1958, 2 Acts which received executive approval on October 20, 1958, and 14 Acts which received executive approval on October 21, 1958, and 1 Act which received executive approval on October 22, 1958, and 3 Resolves which received executive approval on October 17, 1958, and 1 Resolve which received executive approval on October 20, 1958, after prorogation of the general court.

The governor returned 1 Act with his objections thereto in writing. Upon said Act his objections were sustained.

Eleven (11) Acts, entitled, respectively, "An Act relative to the increase in the amount and number of shares of capital stock of insurance companies and the sale thereof" (Chapter 155); "An Act to permit the examination of inheritance tax returns by the United States Commissioner of Internal Revenue" (Chapter 313); "An Act authorizing certain water companies or corporations to take by eminent domain certain property, rights and easements" (Chapter 353); "An Act making certain veterans of the Korean War eligible to take civil service examinations, notwithstanding any age requirements" (Chapter 511); "An Act increasing the membership of the Public Utilities Commission and providing that one of the members thereof shall be a woman" (Chapter 557); "An Act providing for the construction, maintenance, repair, operation or leasing of a garage for the parking of motor vehicles under Boston Common in the city of Boston and creating the Massachusetts Parking Authority, defining its powers and duties, and providing for the financing of such garage" (Chapter 606); "An Act authorizing the state examiner of electricians to appoint their employees and establish their duties" (Chapter 628); "An Act making certain changes in the employment security law relative to the transfer of the business of an employer" (Chapter 643); "An Act establishing the office of Federal-State Co-Ordinator under the Commissioner of Administration" (Chapter 661); "An Act establishing a commission on employment of the handicapped and designating the first full week of October as employ the handicapped week" (Chapter 662); "An Act liberalizing the eligibility provisions of the employment security law and providing that certain persons who leave their work shall not be disqualified from receiving benefits under said law" (Chapter 677) were declared to be emergency laws by the governor in accordance with the provisions of the forty-eighth amendment to the Constitution "The Referendum. II. Emergency Measures". Said Chapter 155 thereby took effect at 11.55 A.M. on March 12, 1958; said Chapter 313

at 4.35 P.M. on May 7, 1958; said Chapter 353 at 11.50 A.M. on June 4, 1958; said Chapter 511 at 10.15 A.M. on August 7, 1958; said Chapter 557 at 3.15 P.M. on August 27, 1958; said Chapter 606 at 10.10 A.M. on October 8, 1958; said Chapter 628 at 4.10 P.M. on October 9, 1958; said Chapter 643 at 2.35 P.M. on October 28, 1958; said Chapter 661 at 2.35 P.M. on October 28, 1958; said Chapter 662 at 2.30 P.M. on October 28, 1958, and said Chapter 677 at 9 A.M. on October 27, 1958.

The general court was prorogued on Friday, October 17, 1958, at twenty-nine minutes after four o'clock A.M., the session having occupied 290 days.

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, November 21, 1958.

I certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

I further certify that the index has been prepared and is printed in accordance with the provisions of General Laws, Tercentenary Edition, chapter 3, section 51, as amended.

EDWARD J. CRONIN,
Secretary of the Commonwealth.

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